

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3872 OF 2025

Shivaji Ambadas Shinde ...Applicant
Versus
State of Maharashtra ...Respondents

Mr. Aditya K. Singh, for the Applicant.
Mr. Rishikesh M. Pethe, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 4th MAY, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.787 of 2023 dated 8th August, 2023, registered with Sakinaka Police Station, for the offences punishable under Sections 8(c), 22(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. Learned Counsel for the Applicant submits that he is seeking bail solely on the ground that grounds of arrest were not furnished to the Applicant in writing. It is claimed that Applicant is arrested on 13th October, 2023. He drew attention of the Court to the judgment in the case of *Pankaj Bansal Vs. Union of India and Ors.*¹ delivered on 3rd October 2023, whereby grounds of arrest are mandatorily to be given in writing to the arrestee. He

¹ (2024) 7 SCC 576

further placed reliance on judgment in a case of *Prabir Purkayastha Vs. State (NCT of Delhi)*² and *Vihaan Kumar Vs. State of Haryana and Anr.* He further placed reliance on the order of Hon'ble Supreme Court in case of *Ahmed Mansoor And Ors. Vs. The State, Rep. By Assistant Commissioner of Police And Anr.*³ wherein after considering Sri Darshan, it is held that non-communication of grounds of arrest is fatal to the validity to the arrest itself.

3. Though learned APP opposed the application, he was unable to show any judgment which does not require furnishing of the grounds of arrest in case arrest is after 3rd October, 2023.

4. Since admittedly no grounds of arrest are communicated to the Applicant in writing, there is non-compliance of the order of Hon'ble Supreme Court in *Pankaj Bansal (Supra)* and other judgments.

5. In view of the above, solely on the ground that grounds of arrest are not provided to the Applicant in writing his arrest is required to be considered as illegal. Hence, following order :-

ORDER

- i) The Bail Application stands allowed.

² (2024) 8 SCC 254

³ Criminal Appeal No. 4505 of 2025 [@ SLP [CRL.] NO. 198/2025]

ii) In connection with CR No.787 of 2023 dated 8th August, 2023, registered with Sakinaka Police Station, the Applicant be enlarged on bail, on furnishing P. R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.

iii) The Applicant is directed to attend the concerned Police Station once in a month till conclusion of trial.

iii) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.

iv) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)