



2025:KER:60373

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 12TH DAY OF AUGUST 2025 / 21ST SRAVANA, 1947

BAIL APPL. NO. 9137 OF 2025

CRIME NO.5/2023 OF CHALAKKUDY EXCISE RANGE OFFICE,
THRISSUR.

PETITIONER:

M.N. NARAYANA DAS.,
AGED 55 YEARS,
S/O P.G. NARAYANA MENON, NARAYANEEYAM HOUSE,
P.O. DARSHANAM, THRIPIUNITHURA,
ERNAKULAM DISTRICT, PIN - 682 306.

BY ADVS.
SRI.SALIM V.S.
SRI.SHANAVAS.S
SHRI.K.MUHAMMED THOYYIB
SMT.A.M.FOUSI
SHRI.A.B.AJIN

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

SMT. SREEJA V., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12.08.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



BECHU KURIAN THOMAS, J.

Bail Appl. No.9137 of 2025

Dated this the 12th day of August, 2025

ORDER

This bail application is filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioner is the first accused in Crime No.05 of 2023 of Chalakkudy Excise Range Office, Thrissur, registered for the offences punishable under sections 58(2), 28, 29 of 22(c) and 29 of 60(3) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), apart from Sections 120B, 195 and 116 r/w Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

3. According to the prosecution, petitioner had conspired with the second accused to implicate a lady by name Sheela Sunny in an NDPS case and, pursuant to the said conspiracy, he kept certain stamps in the form of LSD stamps in the scooter of the aforementioned lady and gave a false information to the detecting officer, leading to her arrest and thereby committed the offences alleged. Petitioner was arrested on 29.04.2025, and he has been in custody since then.

4. The learned counsel for the petitioner submitted that



the petitioner has been in custody since 29.04.2025. It was submitted that the grounds for arrest were not communicated to the petitioner or his relatives at the time of his arrest.

5. The learned Public Prosecutor opposed the bail application and submitted that the grounds for arrest were communicated to the petitioner at the time of his arrest. It was also submitted that since the contraband seized from the petitioner was a commercial quantity, the rigour under Section 37 of NDPS Act will apply and hence petitioner ought not to be released on bail.

6. Though prima facie there are materials on record to connect the petitioner with the crime, since petitioner has raised the question of absence of communication of the grounds for his arrest, this Court is obliged to consider the said issue.

7. In the decisions in **Pankaj Bansal v. Union of India and Others**, [(2024) 7 SCC 576], **Prabir Purkayastha v. State (NCT of Delhi)** [(2024) 8 SCC 254] and **Vihaan Kumar v. State of Haryana** [2025 SCC Online SC 269], it has been held that the requirement of informing a person of grounds of arrest is a mandatory requirement of Article 22(1) and also that the said information must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds must be communicated to the arrested person effectively in



the language which he understands.

8. In a recent decision in **Shahina v. State of Kerala** (2025 KHC Online 706), this Court has also considered the impact of the aforesaid principles in relation to offences alleged under the NDPS Act and held that the grounds for arrest must be communicated.

9. On a perusal of the arrest memo, it is noticed that, except for referring to the provisions of law, there is no reference to any of the grounds for arrest. Similarly, in the notice of arrest given to the father of the petitioner, again there is only a reference to the provisions of law. In the absence of any specific reference to the grounds for arrest of the petitioner, his arrest stands vitiated.

10. Petitioner has been in custody from 29.04.2025 onwards. Since the grounds for arrest were not communicated to the petitioner soon after the arrest, petitioner is entitled to be released on bail.

In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on him executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall co-operate with the trial of the case.



(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he attempt to tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave the State of Kerala without the permission of the jurisdictional Court.

In case of violation of any of the above conditions or if any modification or deletion of the conditions are required, the jurisdictional Court shall be empowered to consider such applications if any, and pass appropriate orders in accordance with law, notwithstanding the bail having been granted by this Court.

Sd/-
BECHU KURIAN THOMAS
JUDGE

ADS



APPENDIX OF BAIL APPL. 9137/2025

PETITIONER ANNEXURES

**Annexure 1 THE TRUE COPY OF THE ORDER DATED
25.07.2025 IN CRL. M.P NO.3651/2025 OF
THE HONOURABLE THE SESSIONS COURT,
THRISSUR.**