

FIR No. 265/2023
PS Special Cell
U/s 21 NDPS Act
State versus Tarandeep Singh

13.03.2026

Present: Irfan Ahmad, Ld. Substitute Addl. PP for the
State.

Sh. Sirhaan Seth, Ld. Counsel for
applicant/accused.

Vide my separate order of even date, the present application, seeking grant of bail is allowed and disposed of accordingly.

Copy of the order be given dasti as well as be sent to jail superintendent for supplying the same to accused in jail.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/13.03.2026

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

**FIR No. 265/2023
PS Special Cell
U/s 21 NDPS Act
State versus Tarandeep Singh**

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ORDER

1. By this order, this Court shall decide the fifth application moved on behalf of accused Tarandeep Singh under Section 483 BNSS seeking regular bail in FIR No. 265/2023, PS Special Cell, registered under Section 21 of the NDPS Act.

2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR, in which similar relief has been sought.

3. The prosecution case, in brief, is that on 18.10.2023 SI Sandeep received secret information that accused Tarandeep Singh would deliver a huge quantity of heroin near CNG Pump, Sanjay Gandhi Transport Nagar, Delhi. Acting on the said information, a raiding party was constituted. It is alleged that the accused was apprehended. As per the prosecution, 2 kg heroin was recovered from a bag allegedly carried by the accused and 3 kg heroin was recovered from the truck being driven by him,

making the total alleged recovery 5 kg heroin, i.e. commercial quantity. The prosecution further states that the accused disclosed his connection with certain suppliers from Manipur and with one Dhanraju @ Ram Chaudhary. Two mobile phones were recovered from his possession and the truck was found to be registered in the name of his father. That the FSL report confirmed the seized material to contain diacetylmorphine/heroin.

4. In the reply filed by the Investigating Officer, it is asserted that there is sufficient evidence against the accused in the form of the alleged recovery, the disclosure statement, the mobile phones recovered from him, the ownership of the truck and the positive FSL report. The prosecution has also sought to controvert the accused's plea of false implication and illegal detention by relying upon the alleged location of mobile number 9501170480, said to have been recovered from the accused, to show that on 16.10.2023 he was in West Bengal, on 17.10.2023 in Bihar and Eastern Uttar Pradesh, and on 18.10.2023 in Delhi.

5. The accused, on the other hand, though his Counsel has raised extensive submissions. He contends that he is a young truck driver of about 22 years of age, having clean antecedents, and has been falsely implicated. His case is that he was picked up by officials of the Special Cell earlier, while travelling from Gorakhpur towards Punjab, that he was illegally detained, and that the recovery has been planted upon him. It is further argued that there are serious infirmities in the prosecution case regarding

compliance with Sections 50 and 52A NDPS Act, delay in drawing samples and in sending the same to FSL, non-joining of public witnesses despite the alleged recovery being from a public place, and prolonged incarceration since 18.10.2023.

6. However, the principal submission pressed on behalf of the accused at this stage is a constitutional one. Learned counsel submits that the accused was never supplied the grounds of arrest in writing and that what was prepared is only an arrest memo. It is argued that the arrest memo contains only formal particulars of arrest and generic reasons such as prevention of further offence, proper investigation, prevention of tampering, prevention of inducement and securing presence, with one additional line that the address of the accused was yet to be verified. According to the accused, this is not compliance with the mandate of Article 22(1) of the Constitution. In support, reliance is placed upon decisions of the Hon'ble Supreme Court in **Pankaj Bansal v. Union of India (2023 SCC OnLine SC 1244)**, **Prabir Purkayastha v. State (NCT of Delhi) (2024) 8 SCC 254**, **Vihaan Kumar v. State of Haryana (2025 SCC OnLine SC 269)** and **Mihir Rajesh Shah v. State of Maharashtra & Anr. (Neutral Citation: 2025:INSC:1288, decided on 06.11.2025)** to submit that communication of grounds of arrest is a mandatory constitutional requirement; non-compliance vitiates arrest and remand.

7. Learned Addl. PP for the State has opposed the application. He submits that the present case involves recovery of

5 kg heroin, which is commercial quantity and that there is direct recovery from the accused as well as from the truck driven by him. It is argued that the mobile locations relied upon by the prosecution demolish the accused's plea of illegal pick-up from Agra or any other place. He further submits that the FSL report supports the prosecution case and that the trial is already underway.

8. On the specific issue of grounds of arrest, learned Addl. PP submits that the accused was fully aware of the case against him. He points out that the arrest memo was prepared. That the accused was produced before the Court. That he was represented by counsel and that a disclosure statement was recorded on 18.10.2023 in which the accused allegedly admitted/apologised for transporting heroin. According to the State, all this clearly shows that the accused knew why he was being arrested.

9. I have heard learned counsel for the accused and learned Addl. PP for the State, perused the record, the arrest memo shown to the Court, and the authorities cited.

10. Since the accused seeks bail on the foundational ground that his arrest and the consequential remand stand vitiated for breach of Articles 21 and 22(1), this Court considers it appropriate to first examine that issue. In case the accused succeeds on that constitutional ground, it would be unnecessary for this Court to enter into the rival submissions touching the merits of recovery, compliance of Sections 50/52A NDPS Act,

delay in sampling, non-joining of public witnesses, or other evidentiary aspects.

11. In the present case, the applicant has specifically raised a plea of non-communication of grounds of arrest, contending that only a pre-printed arrest memo was prepared and that the grounds, in the sense of basic facts necessitating arrest, were not supplied in writing and were not meaningfully conveyed, thereby violating Article 22(1) and, consequently, Article 21 of the Constitution. The applicant has relied upon a line of authorities, including **Pankaj Bansal (Supra)**, **Prabir Purkayastha (Supra)**, **Vihaan Kumar (Supra)**, and **Mihir Rajesh Shah (Supra)**, which emphasize that communication of grounds of arrest is not a mere ritual but a mandatory safeguard and must be meaningful. The final report placed before this Court including the arrest memo and other contemporaneous documents while narrating the manner of apprehension, seizure and arrest, does not specifically meet the applicant's challenge in the manner required at this stage. It does not disclose, in clear terms, the material demonstrating due compliance of the Constitutional mandate as asserted by the applicant, beyond routine narration of arrest and remand.

12. Before proceeding ahead with the merits of the present application, I deem it fit to first discuss the law of arrest and fundamental rights of the arrestee to be furnished with the grounds of arrest, in contradistinction to the reasons for arrest.

13. The Standing Order No. 330/2019 of Delhi Police for Guidelines for Arrest, defines arrest as a procedure in a criminal justice system which is caused by using legal authority to deprive a person of his or her freedom of movement. The arrestee is taken into custody upon the probable cause upon reasonable belief that the police officer holds in the guilt of the suspect, based on the facts and circumstances of the information received by him, prior to the arrest. The said reasonable belief pertains to the suspect of either having committed the crime or might be committing in the near future. As a safeguard against the abuse of power, it requires that an arrest must be made for a thoroughly justified reason.

14. In *Pankaj Bansal (Supra)*, the Hon'ble Apex Court has held that Article 22(1) of the Constitution provides, *inter alia*, that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest. This fundamental right guaranteed to the arrested person, the mode of communicating/conveying the information as to the grounds of arrest must necessarily be meaningful, so as to serve the intended purpose. For the arrested person to meet out the twin conditions prescribed u/s 45 of PMLA (a provision analogous of Section 37 of NDPS Act), it would be essential for the arrested person to be aware of the grounds on which the authorized officer has arrested him and the basis of the officers "reasons to believe", that he is guilty of an offence. Therefore, the communication of the grounds of arrest must serve the higher purpose, as mandated in Article 22(1) and the same must be

given due importance.

15. In *Prabir Purkayastha (Supra)*, the Hon'ble Apex Court has held that the right to life and personal liberty is the most sacrosanct fundamental right guaranteed under Articles 20, 21 and 22 of the Constitution of India. Any attempt to encroach upon them has been frowned upon by the Hon'ble Supreme Court in catena of judgments. The arrestee has the fundamental and statutory right to be informed about the grounds of arrest in writing and copy of the same must be furnished to the arrested person to consult his advocate, oppose the PC remand and to seek bail. Any other interpretation would seek to dilute his fundamental rights, and such infringement shall vitiate the process of arrest and remand. Merely because chargesheet has been filed, would not validate the illegality and the unconstitutionality committed at the time of arrest or immediately thereafter.

16. The Hon'ble Apex Court has further held in the said case that there is a significant difference between “ reasons of arrest” and “grounds of arrest”. The former pertains to purely formal parameters as indicated in the arrest memo, i.e to prevent him from committing any further offence; for proper investigation; to prevent tampering with evidence; to prevent from inducement, threat or promise etc. While the latter would require to contain all such details in hand with the IO, which necessitated the arrest of the accused. It must contain all the basic facts on which he was arrested so as to provide him an opportunity of defending himself

against custody remand and to seek bail. The grounds of arrest would invariably be personal to the accused, while the reasons of arrest would be general in nature.

17. In the landmark decision of *Vihaan Kumar (Supra)*, it was held by the Hon'ble Apex Court that the requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional requirement. Article 22 is included in Part III of the Constitution, under the heading "Fundamental Rights". Thus, it is fundamental right of every person arrested and detained in custody to be informed of the grounds of arrest as soon as possible. If the grounds are not informed as may be after the arrest, it would amount to violation of the fundamental right of the arrestee. If the mandate of Article 22 is not followed, then it will also amount to violation of Article 21, and the arrest will be rendered illegal. Once the arrest is held to be vitiated, the person arrested cannot remain in custody for even a second.

18. In the facts of the present case, it is not disputed that the written grounds of arrest were never supplied to applicant/accused. Upon a specific query being put to the prosecution, it is fairly submitted that except for the arrest memo (the contents of which have been detailed hereinabove) no separate grounds of arrest were supplied to the accused in writing at the time of his arrest.

19. The Hon'ble Supreme Court of India had recently in the

case of '*Ahmed Mansoor and Ors. v. The State represented by Assistant Commissioner of Police and Anr.*', Criminal Appeal No. 4505/2025, date of decision 14.10.2025 had upheld the decisions in **Pankaj Bansal (Supra)**, **Prabir (Supra)**, **Vihaan Kumar (Supra)** and **Kasireddy (Supra)** and had distinguished the decision in '*State of Karnataka v. Sri Darshan Etc.*', Criminal Appeal No. 3528-3534/2025 dated 14.08.2025 and held that the grounds of arrest should be communicated, as explained by the Hon'ble Apex Court in **Vihaan Kumar (Supra)**. Therefore, the law laid down in **Vihaan Kumar (Supra)** was approved and reiterated.

20. The Hon'ble Supreme Court of India in '*Mihir Rajesh Shah (Supra)*' had categorically held that the Constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC, 1860 (now BNS, 2023). The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands and where the Arresting Officer is unable to communicate the grounds in writing on or soon after arrest, it be so done orally and the said grounds must be communicated in writing within a reasonable time and in no case later than two hours prior to production of the arrestee for remand proceedings before the Magistrate. The non-compliance would lead to the arrest and the subsequent remand being rendered illegal and the person will be at liberty to be set free. The Hon'ble Supreme Court of India had further held that the law laid down in **Vihaan (Supra)** and **Prabir (Supra)** had to be followed in all cases.

21. The objection raised by the Ld. Addl. PP for the State that no grounds of arrest were required to be given, since the arrest was made at the time of raid conducted by the officials of PS Crime Branch and was following the recovery of the illegal contra-band, is also devoid of any merits. If that stand is to be believed, then in all cases wherein the raid is conducted by the officials and during the raid, the recovery of contraband was allegedly made, then the official making the arrest would be given a free hand to not supply the reasons for affecting the arrest and the grounds of arrest which were based on his subjective satisfaction of requirement of the arrest.

22. The Ld. Addl. PP has further argued that in paragraph no. 58 of **Mihir Rajesh Bhai (Supra)**, the Hon'ble Supreme Court of India has observed as follows:

“We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under [Article 22](#) of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth”.

23. It is submitted that considering the use of phrase

‘henceforth’, the requirement of supply of ground of arrest was subsequent to the date of decision of the said case which was 06.11.2025. That in the present case, the applicant/accused was arrested on 18.10.2023 so it was not necessary to supply ground of arrest to him.

24. In view of this Court, the argument of the Ld. Addl. PP is not justified as the Hon'ble High Court of Delhi in the case titled **Thokcham Shyamjai Singh v. Union of India v. Ors., 2025 SCC OnLine Del 980** has settled this issue. The relevant para no. 21 is reproduced as follows:

“In light of the above, it must be appreciated that the law in relation to arrests (in the context of the PMLA) declared by the Supreme Court in Pankaj Bansal case was held by them to specifically apply "henceforth", meaning thereby that the interpretation of the law in that case was to be applied prospectively. But in Prabir Purkayastha case the Supreme Court has made no such observation in relation to arrests under the UAPA and other criminal offences. As a result, the ratio of Pankaj Bansal case would apply to arrests under the UAPA and other criminal offences from the date of pronouncement of Pankaj Bansal case (i.e. 3-10-2023) and not from the date of Prabir Purkayastha case² (i.e. 15-5-2024)9”.

25. In the instant case, the accused had been arrested on 18.10.2023 and admittedly, no written grounds of arrest were

ever supplied to the applicant/accused. Therefore, this Court has no doubt to hold that the mandate of Article 22 is not followed which amounts to violation of Article 21. The consequent arrest therefore, is rendered illegal and vitiated. The applicant/accused cannot remain in further custody.

26. As no grounds of arrest were ever communicated to the applicant/accused, therefore, the rigours of section 37 shall not apply to the present case, since, the applicant/accused was never granted the opportunity to mete out the stringent conditions leveled in the present case. For the reasons stated hereinabove, since the legality of the arrest of the accused is vitiated, this Court does not find any justification to discuss other grounds mentioned in the application for seeking bail.

27. After considering the rival contention of the parties, the facts & circumstances of the present case, and the fact that no grounds of arrest were communicated to the applicant/accused, rendering his arrest to be vitiated as being illegal, the Court is of the opinion that the applicant deserves to be released on bail. Hence, the applicant/accused is admitted to regular bail on following conditions :-

(i) On furnishing of personal bond of **Rs. 1,00,000/- with two sureties** of the like amount, to the satisfaction of this Court.

(ii) He shall deposit his passport, if not already deposited/impounded and he shall not leave the country

without the permission of this Court.

(iii) He shall not commit any offence, whatsoever, during the period he remains on bail in the present case.

(iv) He shall attend the trial without any single default.

(v) He, immediately upon release shall inform the place of residence along with valid proof and report any change made thereof within one week, to both the Court and the IO.

28. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused for grant of regular bail is accordingly disposed of, as allowed.

29. Nothing expressed herein shall have any effect on the merits of the case.

30. Application is disposed of accordingly.

31. Copy of the present order be given dasti and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/13.03.2026