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CRL OP No. 20168 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 20168 of 2026

Stephen @ Moonu Thalai Stephen

..Petitioner

Vs

State Rep by
The Inspector of Police
N-4, Fishing Harbour Police Station,
Chennai District.
Crime No.105 of 2022.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.42 of 2023 in Crime No.105 of 2022 pending on the file of the Principal Special Court Under EC and NDPS act Chennai.

For Petitioner:

Mr.A.Saranraj

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.06.2022 for the alleged offence under Section 8(C), 22(c), 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in C.C.No.42 of 2023 on the file of the Principal Special Court Under EC and NDPS act Chennai in Crime No.105 of 2022 on the file of the respondent police, seeks bail.

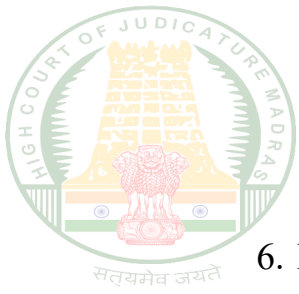


2. The case of the prosecution is that the petitioner along with other accused were found in possession of MDMA-ecstasy tablets-21 nos. weighing 10.15 grams. Hence, the case.

3. The learned counsel for the petitioner submitted that there are about three accused and the petitioner has been arrayed as A1 and has been remanded incarcerated since 11.06.2022. Since then, there was no progress in the trial and the earlier application was dismissed on 26.02.2026. The change in circumstances is that in spite of dismissal in the month of February 2026, there was no progress in the trial. Therefore, the liberty guaranteed is affected.

4. It is the submission of the learned counsel for the petitioner that in the search memo, the crime number has been referred to, which is illogical, and it is also his submission that there is a delay in sending the contraband of nearly 20 days. Hence, prayed to enlarge the petitioner on bail.

5. The said contention was strongly objected by the learned Govt Advocate (Crl.Side) and contended that reference of crime number is only for the sake of convenience, and the mere reference of the crime number in the seizure mahazar will in no way affect the prosecution case. He further submitted that according to the prosecution the entire 10.15 grams of MDMA tablets being commercial quantity, has been recovered from this petitioner.



6. It is also the submission of the learned Govt Advocate (Crl.Side) that delay also cannot be taken as a factor to vitiate the trial. It could only at the best be considered as an irregularity and such things cannot be considered in the bail stage. Irrespective of a delay, the petitioner himself has not appointed an advocate. That is also one of the reason for delay. Therefore, the petitioner cannot blame the prosecution for delay.

7. At this juncture, the learned Government counsel (Crl.Side) submitted that petitioner has got seven previous cases, out of which, two cases are under Section 302 of IPC.

8. The learned petitioner counsel intervened and submitted that in one case under section 302 of IPC, the petitioner has been acquitted.

9. I have given my anxious consideration to either side submissions and perused the materials available on record.

10. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side); admittedly this is a case of commercial quantity and there are about three accused and the entire recovery is from this petitioner. Though the learned counsel for the



petitioner relies upon the delay in proceeding with the trial, the Government Counsel (Crl.Side) contended that the petitioner is also responsible for such delay, as he has not at all appointed the advocate. The delay in trial cannot be taken as a ground as the petitioner is also responsible for such delay. Considering the crime number in the seizure mahazar, as rightly contended by the learned Government counsel (Crl.Side), it has been referred to only for the sake of convenience and the mere references of such crime number later on when it is filed before this Court cannot be taken advantage by the petitioner.

11. In respect of delay in sending the contraband, though there is certain delay, the delay cannot by itself vitiate the trial. As it could be at the best and irregularity could be adjudicated at the time of trial. Such contention is well merited in the judgment of the Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Kashif* reported in **2024 INSC 1045**. Therefore, this Court is of the firm view that the above grounds are not sufficient to overcome the rigour under section 37 of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner.

12. Accordingly, this Criminal Original Petition stands dismissed.

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