



CRL OP(MD). No.12325 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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1.Dakshinamoorthy
2.Sivamoorthy

... Petitioners / Accused

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
NIB-CID Police Station,
Nagapattinam District.
(Crime No.4 of 2024)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioners on bail in Crime No.4 of 2024 on the file of the respondent police.

For Petitioners : Mr.T.Lajapathy Roy,
Senior Counsel
for Mr.M.Dhinakar
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Crl. Side)



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ORDER : The Court made the following order :-

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The petitioners, who were arrested and remanded to judicial custody on 04.07.2024 for the offences punishable under Sections 8(c) and 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.4 of 2024 on the file of the respondent police, seek enlargement on bail.

2. The case of the prosecution is that acting on credible information, the respondent Police kept surveillance on the Thirukkuvalai–Mela Pidagai–Thirupoondi Road at about 08.50 hours on 04.07.2024. During the surveillance, a Tata Sumo vehicle bearing Registration No.CG-04-MZ-7706, followed by a Mercedes-Benz car bearing Registration No. TN-09-BA-0033, was intercepted. It was found that the petitioners were travelling in the Tata Sumo vehicle. After complying with the mandatory provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, the respondent Police conducted a search and recovered 80 kilograms of ganja from the possession of the petitioners. Simultaneously, further contraband was recovered from the Innova car occupied by the other accused. Thereafter, after following the



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mandatory procedure, the petitioners were arrested, remanded to judicial custody, and have remained in custody ever since. Hence, the case.

3. The learned Senior Counsel appearing for the petitioners submitted that the petitioners have completed 180 days of incarceration and that the final report was not filed within the statutory period. Though the respondent subsequently filed an application seeking extension of time to complete the investigation and the Trial Court granted such extension, the petitioners were never informed of their indefeasible right to seek statutory/default bail upon expiry of the prescribed period. It was further submitted that, even thereafter, the investigation was not completed and the respondent obtained two further extensions of time. Placing reliance on the decision of the Hon'ble Supreme Court in ***Bikramjit Singh v. State of Punjab***, reported in ***(2020) 10 SCC 616***, the learned Senior Counsel contended that the failure to inform the petitioners of their right to seek default bail has vitiated the proceedings and, therefore, the petitioners are entitled to be released on statutory bail.

4. Per contra, the learned Counsel for State (Criminal Side)



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reiterated the prosecution case and submitted that the petitioners never exercised their right to seek default bail after the expiry of the statutory period. It was contended that, without having filed an application seeking default bail, the petitioners cannot now contend that they were deprived of such right on the ground that they were not informed of the same. The learned Counsel for State further submitted that the Trial Court had, on two occasions, extended the period for completion of the investigation after hearing the petitioners and after receiving their written objections. Therefore, it cannot be said that the petitioners were denied an opportunity to assert their right.

5. This Court heard both sides and perused the materials available on record.

6. It is well settled that the right to statutory/default bail accrues on the expiry of the prescribed period of investigation, provided the accused avails of such right by filing an application before the filing of the final report. In the present case, admittedly, no application seeking default bail was filed by the petitioners after the expiry of the statutory period.



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Though it is contended that the petitioners were not informed of their right to seek default bail, the records disclose that the petitioners were heard on every occasion when the respondent sought extension of time for completing the investigation and they had also filed written objections opposing such extensions. In such circumstances, the contention that the petitioners were unaware of their right to seek default bail or were prevented from exercising such right cannot be accepted. Accordingly, this Court finds no merit in the present petition. The Criminal Original Petition is dismissed.

24.07.2026

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To

- 1.The Inspector of Police,
NIB-CID Police Station,
Nagapattinam District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR,J.

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ORDER
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