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Crl.O.P.(MD).No.15942 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.15942 of 2026

and

Crl.M.P(MD) No.15493 of 2026

Thirukkammal

... Petitioner/Accused No.3

Vs

The Deputy Superintendent of Police,
NIB-CID,
Madurai.
(In Crime No.8 of 2026)

... Respondent/
Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned order dated 09.07.2026 passed in Crl.M.P.No.1784 of 2026 on the file of the learned Principal Special Court for EC & NDPS Act Cases, Madurai and set aside the same as illegal and pass such further or other orders as this Court may deem fit.

For Petitioner : Mr.J.Selvam

For Respondent : Mr.P.Samuel Gunasingh
Government Advocate (Crl.Side)



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ORDER

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The present petition has been filed by the third accused in Crime No.8 of 2026 on the file of the respondent police seeking to set aside the order passed by the learned Judge, Principal Special Court for EC & NDPS Act Cases, Madurai in Crl.M.P.No.1784 of 2026, wherein two months extension has been granted to the investigating agency to file a final report under Sections 36A(4) of NDPS Act.

2. A perusal of the records reveal that the petitioner is alleged to have committed offence under Sections 8(c), 20 (b) (ii) (C), 25 and 29(1) of NDPS Act. He was arrested and remanded on 12.01.2026. The 180 days period for filing of the charge sheet had expired on 10.07.2026. The investigation agency has filed an application under Section 36A(4) of NDPS Act on 07.07.2026 seeking three months extension of time for filing of the final report. The said application was allowed on 09.07.2026 and the petitioner herein had filed the default bail application on 13.07.2026 and the same was returned on the ground that already time has been extended for filing of the charge sheet. The order granting extension to the investigating agency to file the final report is put to challenge before this Court.



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3. According to the learned counsel appearing for the petitioner, the twin conditions as directed by the Hon'ble Supreme Court reported in **(2009) 17 SCC 631 in Sanjay Kumar Kedia Alias Sanjay Kedia Vs. Intelligence Officer, Narcotics control Bureau and another)** especially, in paragraph Nos. 15 and 16, the affidavit of the prosecution does not disclose the reasons for extension of the detention of the petitioner beyond a period of 180 days. It only speaks about the reasons for not completing the investigation within a period of 180 days. In such view of the matter, according to him, when the twin conditions are not satisfied, the order impugned in the petition is liable to be set aside and the statutory bail application has to be allowed.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is a habitual offender with regard to similar cases and in the present case more than 200 Kgs of Ganja is involved. In such circumstances, the petitioner cannot be treated on par with other accused persons and therefore they require some time to collect the materials and file them before the concerned Court.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. The dates and events that are narrated above are not in dispute. This Court has perused the affidavit filed by the prosecutor before the trial Court seeking extension of time. The entire affidavit spells out the reasons for not completing the investigation within a period of 180 days. It does not reveal anything about the reasons for detaining the accused person beyond a period of 180 days. Therefore, it is clear that the twin conditions as mandated by the Hon'ble Supreme Court judgment reported in ***(2009) 17 SCC 631 in Sanjay Kumar Kedia Alias Sanjay Kedia Vs. Intelligence Officer, Narcotics control Bureau and another***) has not been complied with. In such circumstances, this Court is constrained to hold that the impugned order extending the investigation for a further period of two months is liable to be set aside and it is accordingly set aside.

7. So far charge sheet has not been filed. In such circumstances, once the order granting extension of time to the investigating agency to file the



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final report is set aside, the order of return passed by the trial Court in the default bail application is also liable to be set aside.

8.In the result, this Criminal Original Petition is allowed and the order passed in Crl.M.P.No.1784 of 2026 in Crime No.8 of 2026 on the file of the learned Principal Special Court for EC & NDPS Act Cases, Madurai on 09.07.2026 is hereby set aside. The petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- with two sureties each for a like-sum to the satisfaction of Principal Special Court for EC & NDPS Act Cases, Madurai, subject to the following conditions.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the concerned Court on every Monday at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have



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been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC. Consequently connected Miscellaneous petition is closed.

14.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Special Court for EC & NDPS Act Cases,
Madurai.
2. The Deputy Superintendent of Police,
NIB-CID,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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