



Crl.R.C.(MD)No.782 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.08.2024

Pronounced on : 03.09.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.782 of 2024

Parimaladoss

... Petitioner

Vs.

The Union of India through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
(NCB F.No.48/1/12/2023/NCB/MDS)

... Respondent

Prayer : This Criminal Revision Petition filed under Sections 438 r/w 442 B.N.S.S., to call for the records and set aside the order dated 30.05.2024 made in Cr.M.P.No.2673 of 2024 by the Additional District and Sessions Judge / Presiding Officer Special Court for E.C. & NDPS Act Cases, Pudukottai and enlarge the revision petitioner on bail.

For Petitioner : Mr.R.C.Paul Kanagaraj, Senior Counsel

For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public Prosecutor for NCB Cases



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ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.2673 of 2024 dated 30.05.2024 on the file of the Additional District and Sessions Court / Special Court for EC and NDPS Act Cases, Pudukottai, dismissing the petition filed for statutory bail under Section 167(2) of the Code of Criminal Procedure.

2. The respondent police registered a case in File No.48/1/12/2023/ NCB/MDS for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C), 25, 28 and 29(1) of NDPS Act for allegedly possessing 423 kgs of ganja.

3. It is not in dispute that the petitioner/first accused was arrested and remanded to judicial custody on 18.08.2023. It is also not in dispute that the respondent police has filed a petition under Section 36A(4) of NDPS Act seeking extension of time in Cr.M.P.No.726 of 2024 and the learned trial Judge, after enquiry, has passed an order dated 29.01.2024 allowing the petition by extending four months time to file final complaint.



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4. The case of the petitioner is that the extension petition in Cr.M.P.No.726 of 2024 came to be allowed on 29.01.2024 granting four months further time, that the said four months time got expired on 28.05.2024 and that since the respondent police has not filed the final report or final complaint till the expiry of extended period of four months, the petitioner is entitled to seek statutory bail.

5. The defence of the respondent is that the mandatory period of 180 days prescribed for filing the final report under Section 167(2) Cr.P.C. got expired on 11.02.2024, that since the trial Court has extended time by four months in Cr.M.P.No.726 of 2024, four months period will begin to run from 181st day and not from the date of the order passed in Cr.M.P.No.726 of 2024 i.e., on 29.01.2024, that the respondent police has filed the final report through online on 29.05.2024 itself within the period of four months extended by the trial Court and that therefore the petitioner is not entitled to claim statutory bail.

6. As rightly observed by the learned trial Judge, the only issue to be decided is as how to compute the period of extension, whether from the



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date of order extending the period or from the expiry of mandatory period of 180 days.

7. The learned Senior Counsel appearing for the petitioner would mainly contend that the learned trial Judge has allowed the Cr.M.P.No.726 of 2024 on 29.01.2024 and in the absence of any specific date as to when the extended period of four months is to be computed, the date of order is to be taken as commencing point and that since the four months period got expired on 28.05.2024 and no final complaint came to be filed till that time, the petitioner is certainly entitled to invoke Section 167(2) Cr.P.C. for statutory bail.

8. No doubt, the learned trial Judge has not stipulated any time from which the extended four months is to be computed. It is not the case of the petitioner that the learned trial Judge while allowing the petition has extended the period of four months from the date of its order. At this juncture, it is necessary to refer Section 36A(4) of NDPS Act hereunder for better appreciation,

“36A(4) :- Provided that, if it is not possible to complete the investigation within the said period of one



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hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days.”

9. As rightly contended by the learned Special Public Prosecutor appearing for the respondent, if the respondent police is unable to complete the investigation within the said period of 180 days, the Special Court can extend the said period upto one year on the report of the Public Prosecutor. Considering the words used, “said period” would only mean the period of 180 days can be extended upto one year. Moreover, the respondent police is having necessary power or jurisdiction to file final report within the period of 180 days as contemplated under the above said provision and for filing any report within that period, there is no need to file any report or application seeking extension of time and that the extension is only for the period subsequent to the expiry of 180 days.

10. In the case on hand, as already pointed out, the learned trial Judge has allowed the extension petition by extending four months time to



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file final complaint. Considering the above, it can easily be inferred that extended four months has to be computed after the expiry of 180 days and not from the date of the order passed in the extension petition.

11. Admittedly, the respondent police has filed the final report on 29.05.2024. Since the four months period extended by the trial Court got expired only on 14.06.2024 and that final report came to be filed before that period i.e., on 29.05.2024, the question of invoking Sections 167(2) Cr.P.C. r/w 36A(4) of NDPS Act does not arise at all.

12. Considering the above, this Court has no hesitation to hold that the impugned order dismissing the petition for statutory bail cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

13. In the result, this Criminal Revision Petition is dismissed.

03.09.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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To

1. The Additional District and Sessions Judge /
Presiding Officer Special Court for E.C. & NDPS Act Cases,
Pudukottai.
- 2.The Intelligence Officer,
Union of India Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
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Dated : 03.09.2024