



Crl.O.P.No. 3655 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3655 of 2025

1.Syed Ibrahim Kajamohaidheen

2.Bysul Rahuman

... Petitioners

Vs.

Union of India rep. by
The Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.

R.R.No.41 of 2024

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the returned docket order passed in Crl.M.P.Sr.No.703 of 2025 dated 24.01.2025 on the file of the Principal Special Judge Special Court under EC & NDPS Act, Chennai, in the interest of justice.

For Petitioners : Mr.C.M.Ramakrishnan

For Respondent : Mr.N.P.Kumar,
Special Government Pleader for NCB.



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ORDER

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This petition has been filed challenging the docket order passed in Crl.M.P. Sr. No. 703 of 2025, dated 24.01.2025, on the file of the Principal Special Judge Special Court under EC & NDPS Act, Chennai, thereby returning the application filed under Section 187 of BNSS seeking default bail on the ground of delay in filing the final report.

2. Heard both sides and perused the material available on record.

3. The petitioners were arrested and initially remanded to judicial custody following the registration of FIR, in R.R. No. 41 of 2024 for offences under Section 8(c) r/w 22(c), 23(c), 28, 29 of NDPS Act, 1985, dated 28.07.2024. The petitioners have been arrayed as A1 and A2, concerning the first accused, who was allegedly found in possession of 5.970 kgs of contraband Ganja, along with a white-colored crystal substance believed to be synthetic drugs. After the expiry of 180 days from the registration of the FIR, the respondent failed to file the final report. Consequently, the petitioners filed an application for bail under



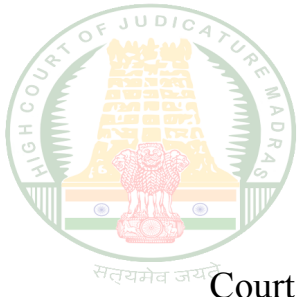
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Section 187 of BNSS in CrI.M.P. Sr. No. 703 of 2025. The application was rejected on the ground that time had already been extended for filing the final report in M.P. No. 97 of 2025, by order dated 09.01.2025.

4. The grievance of the petitioners is that they were not served with any notice regarding the extension of time and that the time was extended in their absence. However, perusal of the records reveals that notices were duly served through jail authorities, and the petitioners refused to receive the notice. On 09.01.2025, the petitioners were produced before the Trial Court under Section 36 of the NDPS Act, and thereafter, the Trial Court passed an order in M.P. No. 97 of 2025, extending the time for completing the investigation and filing the final report by three months. Further, the petitioners filed an application seeking default bail under Section 187 of BNSS only on 24.01.2025, which was well after the extension of time for completing the investigation.

5. In view of the above, this Court is of the opinion that the Trial



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Court rightly returned the application seeking default bail under Section 187 of BNSS and finds no infirmity or illegality in returning the application. Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to file an application in accordance with the law.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To
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1. Principal Special Judge Special Court under EC & NDPS Act,
Chennai
2. The Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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