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Crl.R.C.No.1243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1243 of 2025

1. Prakash

2. Arul Prasanth

... Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

NIB CID, Police Station

Chennai.

(Crime No.54 of 2024)

... Respondent

Prayer: Criminal Revision Petition filed under Section 438 read with 442 of BNSS, praying to call for the records and set aside the order passed in Crl.M.P.No.1943 of 2025 dated 30.04.2025 by the learned Principal Special Judge for NDPS Act Cases, Chennai.

For Petitioner : Mr.K.Subburaj

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER

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The revision has been filed challenging the order passed by the Special

Court under EC & NDPS Act in Crl.M.P.No.1943 of 2025, dated 30.04.2025

extending the time limit for filing of the final report and thereby extended the period of remand of the petitioners.

2. The petitioners are the accused of the offences under section 8[c], 20[b] [ii] [C], 25 and 29[1] of NDPS Act 1985. It is the case of the prosecution that the petitioners were found in possession of 42 kgs of Ganja in a lorry which was seized by the respondent. The petitioners were arrested on 07.11.2024. The respondent ought to have filed the final report within a period of 180 days [i.e.] on or before 06.05.2025. On the 162nd day, the respondent had filed a petition under the proviso to Section 36[A] [4] of the NDPS Act seeking extension of the statutory period of completing investigation. The trial Court had granted the said extension by the impugned order.



3. The learned counsel appearing for the petitioner would submit that the report of the Public Prosecutor and the order impugned do not satisfy the requirements of proviso to Section 36[A] [4] of the NDPS Act and that the issue is covered by series of Orders passed by this Court in Crl.R.C.No.1847 of 2024 [Mohamed Asaruthin Vs. State rep. by Inspector of Police, Gummidipoondi Prohibition Wing], Crl.R.C.No.1307 of 2024 [S.Kuppusamy Vs. The State rp. by the Inspector of Police, PEW, Gummidipoondi Police Station] and Crl.R.C.No.918 of 2015 [Karthick Vs. State represented by the Inspector of Police, M.1 Madhavaram Police Station] and prayed for setting aside the impugned order.

4. The learned Government Advocate [Criminal Side] would submit that the Public Prosecutor had valid reasons for seeking extension of time limit for completing investigation; that since the investigating officer had to collect evidence in Andhra Pradesh, he could not complete the investigation within the time prescribed by the statute; and that therefore, the report as well as the impugned order passed by the trial Court do not suffer from any



infirmity and prayed for dismissal of this revision.

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5. In Crl.R.C.No.1847 of 2024 [Mohamed Asaruthin Vs. State of Tamilnadu rep. by the Inspector of Police, Gummidipoondi Prohibition Wing] after referring to the judgment of the Supreme Court, earlier judgments of this Court and that of the Calcutta High Court, this Court by the Order dated 27.11.2024 had observed as follows :

“28. The above observations would indicate that request for extension by the prosecution and the report of the Public Prosecutor, is for the Court to consider based on the reasons assigned in the report. The presence of the accused is only to inform him about the extension of period and consider his objections, if any. Therefore, there is no necessity to call upon the accused to file a counter in the said application. All that the Court is required to consider is whether the report of the Public Prosecutor satisfied the twin requirements namely :-



a] There is appreciable progress in the investigation.

B] There are specific compelling reasons to justify further detention pending investigation.

Therefore, the trial Courts are expected to follow the above directions without any deviation and consider the applications at the earliest and not later than seven days as directed by this Court in Varun s case [cited supra] following the Full Bench judgment of the Calcutta High Court.”

6. In the instant case, the Public Prosecutor had filed a report seeking extension since certain accused from Andhra Pradesh had to be apprehended. There is no averment in the said report as to why further detention of the petitioners is required during the course of further investigation. The relevant portion of the report of the Public Prosecutor is extracted herein for better understanding :

“6. In such circumstances, it is requested that



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this Hon'ble Principal Special Court under EC & NDPS

Court, Chennai, may be pleased to consider above facts and circumstances and to extend the time of further 180 days under section 36A[4] of NDPS Act to complete investigation and to file final report in this case."

7. This Court had time and again in several orders had held that what has to be stated in the report of the Public Prosecutor is the progress of the investigation and specific reasons for the detention of the accused beyond the period of 180 days. However, in all cases including in the instant case the Public Prosecutor only seeks extension of time to file a final report. The trial Courts and Public Prosecutors thus should bear in mind that, that is not the purpose of filing of the report as no extension of time is required for conducting investigation as there is no limitation prescribed for taking cognizance of the offences under the NDPS Act. What is relevant is the need to detain the accused beyond the statutory period of 180 days. Neither the report of the Public Prosecutor nor the order of the learned Judge impugned



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in this case has taken that fact into consideration. Hence, this Court is

inclined to set aside the order and consequently, direct the release of the petitioners on bail.

8. Therefore, the Criminal Revision Case stands allowed and the petitioners herein are ordered to be released on bail on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai.

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book or mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the trial Court on the first working day of every week at 10.30 a.m. until further orders



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and if they are not able to appear before the trial Court on any day,

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they shall make arrangements to file an application under Section

317 Cr.P.C. and shall appear before the trial Court on any other day

in lieu of the date of their absence, as directed by the trial Court.

04.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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Note: Issue order copy by 05.12.2025.

To

1. The Principal Special Judge
Special Court under EC & NDPS Act,
Chennai – 600 104.

2. The Inspector of Police,
NIB CID,
Chennai.

3. The Superintendent of Prison,

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Central Prison,
Puzhal, Chennai.

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4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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