



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.11.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CrI.R.C.No.2174 of 2025

Kalaiselvan

...

Petitioner

/vs/

The State

Rep.by Inspector of Police,

PEW, Tiruvallur Unit,

Tiruvallur,

Cr.No.222 of 2024

...

Respondent

PRAYER : Criminal Revision Case has been filed under Section 438 r/w 442 of BNSS to call for the records and set aside the order passed in CrI.M.P.No.5615 of 2025 dated 08.10.2025 in C.C.No.575 of 2025 on the file of the II Additional Special Judge under EC & NDPS Act, Chennai and pass orders.



For Petitioner : Mr.S.Karthikeyan for Mr.K. Subburaj

For Respondent ... Mr.Dr.C.E. Pratap
Govt.Advocate (Crl.side)

ORDER

The Criminal Revision Case has been filed challenging the order passed in Crl.M.P.No.5615 of 2025 dated 08.10.2025 in C.C.No.575 of 2025 on the file of the II Additional Special Judge under EC & NDPS Act, Chennai.

2.The learned counsel for the petitioner contended that the respondent police has registered a case in Crime No.222 of 2022 against this petitioner for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985. In this regard, the respondent police arrested the petitioner and remanded to Judicial custody on 11.08.2024. In respect of the same, the respondent police have to file a final report within 180 days but they failed



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to file a final report. Therefore, the petitioner filed a statutory bail petition on in Crl.M.P.No.5615 of 2025 under Section 187 (3) of B.N.SS for default bail before the II Additional Special Judge under EC & NDPS Act, Chennai. That petition was dismissed by the trial Court on 08.10.2025 on the ground that in Crl.M.P.No.364 of 2025 the Court has granted further time to file the charge sheet and as per the said order time is extended till 30.04.2025, whereas the respondent has filed the charge sheet on 16.03.2025 i.e well within the stipulated time Hence, the present criminal revision case.

3.The learned Government Advocate (Crl.side) conceded that the respondent police had filed the charge sheet on 16.03.2025 and it is taken on file on 06.05.2025. The learned Judge has granted 3 months for extension of time for filing the final report in Crl.M.P.No.364 of 2025 and they have complied with the same and there is no default on their side.



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4.I have considered the submissions of the parties and perused the materials available on record.

5.On perusal of the records, the fact reveals that the respondent police registered a case against this petitioner in Crime No.222 of 2022 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985. Admittedly, the petitioner was arrested and remanded to judicial custody on 11.08.2024. Within a period of 180 days, the respondent police have to file a final report but failed to file a final report. Therefore, the petitioner filed a statutory bail petition that was dismissed by the trial Court on 08.10.2025 on the ground that the respondent police filed a petition in CrI.M.P.No.364 of 2025 and the same was allowed, which is unsustainable, in view of the principle laid down by the Hon'ble Supreme Court in ***Sanjay Dutt Vs. State through C.B.I. Bombay (II)*** reported in ***(1994) 5 Supreme Court Cases 410*** and ***State of M.P. Vs. Rustam and others*** reported in ***1995 Supp (3)***



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Supreme Court Cases 221. Under these circumstances, the petitioner is entitled to statutory bail.

6. Accordingly, the impugned order dated 08.10.2025 passed in CrI.M.P.No.5615 of 2025 by the learned II Additional Special Judge under EC & NDPS Act, Chennai is set aside and Statutory Bail is granted to the petitioner and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) (out of which one must be a blood surety), before the II Additional Special Judge under EC & NDPS Act, Chennai on the following conditions;

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness



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either during investigation or trial;

(c) the petitioner to appear before the trial Court on all hearing dates;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. With the above directions, this Criminal Revision Case is allowed.



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Index : Yes/No

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Internet : Yes/No

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To

1.The learned II Additional Special Judge under EC & NDPS Act, Chennai

2.Central Prison, Puzhal , Chennai.

3. The Inspector of Police,
PEW, Tiruvallur Unit,
Tiruvallur,

5.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI ,J.



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