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CRL RC No. 2320 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC Nos.2320 and 2321 of 2025

Muhammed Sinan.S

Petitioner in both Cases

Vs

The State Rep. by
The Inspector of Police
PEW Coimbatore City Police Station,
Coimbatore.
Crime No. 60/2025.

Respondent in both Cases

COMMON PRAYER Criminal Revision Cases filed under Section 438 r/w. 442 of B.N.S.S, 2023, to call for the records and to set aside the order in Crl.M.P.Nos.1942/2025 and 2138/2025, dated 13.10.2025 passed by the learned Special Court for NDPS Cases at Coimbatore and enlarge the petitioner on bail under Sections 187(3) of BNSS, 2023 and pass other appropriate orders.

For Petitioner
in both cases:

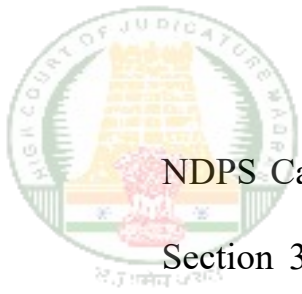
Mr.R.Vivekananthan

For Respondent
in both cases:

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

COMMON ORDER

These two revisions have been filed challenging the order, dated 13.10.2025 in Crl.M.P.Nos.1942/2025 passed by the Special Court for EC Act /



NDPS Cases, Coimbatore allowing the petition filed by the prosecution under Section 36 A(4) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and dismissing the petitioner's bail petition in Crl.M.P.No.2138 of 2025.

2. The petitioner who is arrayed as A1 was arrested for alleged possession of 110 grams of Ganja and 202.1 grams of Methamphetamine on 15.03.2025. The statutory period of 180 days ended on 11.09.2025 (though it is stated in the order that it expired on 16.09.2025). On the 180th day, the prosecution filed a petition in CMP No.1942 of 2025 under Section 36A(4) seeking extension of time for completion of investigation. On the next day, i.e., on 12.09.2025, the petitioner filed a petition for statutory bail which was returned unnumbered on the same day on the ground that the respondent has filed an extension petition to file the final report. Thereafter the petitioner had filed another petition which was numbered as CMP No.2138 of 2025. Both the petitions in CMP Nos.1942 and 2138 of 2025 along with the bail petition filed by A2 (who is not before this Court) were heard together.

3. The learned Judge allowed the petition filed by the respondent, granting extension of time by one month to complete the investigation and consequently, dismissed the petitioner's petition for statutory bail. It is against these two orders, the petitioner has preferred the above revisions.



4. Mr.R.Vivekanandhan, learned counsel for the petitioner would submit that the respondent has not complied with the statutory requirement under proviso to Section 36A(4) of NDPS Act, by stating the compelling reason to justify further detention pending investigation and this issue had been covered by series of Judgments of this Court and therefore the impugned orders are liable to be set aside and the petitioner has to be released on bail.

5. Per contra, Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent submitted that the respondent had filed an petition under Section 36A(4) of NDPS Act, giving the details of the investigation conducted till then and the reasons for extending the time to complete the investigation; that therefore considering the nature of allegations against the petitioner and the reasons cited by the respondent, the learned Judge was justified in allowing the respondent's petition and dismissing the petitioner's petition and sought for dismissal of both the revisions. The learned Government Advocate (Crl. Side) further submitted that that even before granting the extension of time, final report has been filed on 22.09.2025 in C.C.No.230 of 2025.

6. It is seen from the impugned order passed in CMP No.1942 of 2025 that the learned Judge had extended the time to file the final report by one month on the ground that the respondents are bound to file the forensic lab



report as there is a discrepancy with regard to whether the contraband seized is Methamphetamine or MDMA tablets. Therefore the learned Judge observed that the prosecution was justified in seeking extension of time.

7. This Court has repeatedly held that in an application filed under Section 36A(4) of NDPS Act, the Public Prosecutor is bound to state the appreciable progress in the investigation and also the specific compelling reasons to justify further detention pending investigation. It is well settled that there is no necessity for the respondent to seek extension for filing the report as there is no limitation prescribed for the offences under NDPS act. What is required to be stated is the compelling reasons to justify further detention pending further investigation. Neither the report of the Public Prosecutor nor the impugned order adverts to the compelling reasons to justify a further detention. The learned Judge has merely stated that since forensic lab report is required to be filed, time is required to be extended by one month. This Court in ***Mohamed Asaruthin Vs. the State of Tamil Nadu*** reported in **2024-2-L.W. (Crl.)887** had held 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 satisfies 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.*

.....
32. In the instant case, since the Public Prosecutor has not stated as to why further detention is required on account of the investigation, the impugned order passed by the learned Principal Special Judge under EC and NDPS Act at Chennai in the petition filed under Section 167 (2) (Now under Section 187(3) of BNSS) in Crl.M.P.No.11896 of 2024 dated 29.10.2024, is liable to be set aside. Further, the other reason given by the Special Public Prosecutor is that the lab report is yet to be obtained cannot be the reason for seeking detention. Hence, the impugned order in Crl.R.C.No.1847 of 2024, extending the period of statutory period of investigation is set aside. Consequently, it is needless to say that since the order passed for the extension is set aside, the right to statutory bail revives and the petitioner is entitled to be released on bail. ”

8. The above observations would squarely apply to the facts of the instant case. Hence, the impugned orders passed in CMP No.1942 of 2025 granting extension of one month time and in CMP No.2138 of 2025 denying bail to the petitioner, are set aside. Consequently, the petitioner would be entitled to statutory bail as he had expressed his willingness to furnish bail.



9. Therefore, the Criminal Revision Cases stand allowed and the petitioner herein is ordered to be released on bail on the following conditions:

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(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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, Coimbatore .

(ii) The petitioner 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 petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until further orders and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

15-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Issue order copy on 18.12.2025



To

1. The Inspector of Police
PEW Coimbatore City Police Station,
Coimbatore.

2. The Public Prosecutor,
Madras High Court, Chennai.

3. The Superintendent,
Central Prison, Coimbatore.



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SUNDER MOHAN J.

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