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CRL RC No. 2368 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI
CRL RC No. 2368 of 2025

1. ABISHEK

S/o.Radhakrishnan, No.Chulliparambil
House, Kurijakkal Vazhi, Thuruth,
Ayyanthole PO, Thrissur, Kerala -
680003.

2. Harish Kumar

S/o.Santhosh Kumar, No.
Koorchanveetil, Plot No.509, New
Gardens, Ayyanthole, Thrissur, Kerala -
680 003.

Petitioner(s)

Vs

1. The State Rep. by,
Inspector of Police, NIB-CID, Police
Station, Cr.No.10 of 2025

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, prays to call for the records and set aside the order passed in Crl.MP.No.5410/2025 dated 01.09.2025 on the file of the I Additional Special Judge under EC and NDPS Act, Chennai.

For Petitioner(s): M/s.R.Sebastianraj
Mohammad Azharudin

For Respondent(s): Dr.C.E. Pratap, Govt Advocate



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ORDER

The petitioners have filed this revision to challenge the order passed in Crl.M.P.No.5410 of 2025 in CC.NO.639/2025 dated 01.09.2025 on the file of the I Additional Special Judge under EC and NDPS Act, Chennai.

2. The learned counsel for the petitioners submits that the petitioners, who are arrayed as A2 and A3 in Crime No.10 of 2025, has been falsely implicated by the respondent police as if he was found in possession of 21 grams of methamphetamine. The learned counsel further submits that the petitioners were allegedly found in possession of the said 21 grams and was arrested on 09.02.2025. The statutory period of 180 days for filing the final report thus expired on 09.08.2025. However, before the expiry of the said period, no final report was filed. Therefore, the petitioners filed an application seeking statutory bail. The said application was, however, dismissed by the Trial Court on the ground that the final report had been filed through e-filing within the statutory period, and the Court had taken cognizance of the same.



Hence, the Trial Court held that the petitioners were not entitled to statutory bail. He further submitted that this Court has already granted bail to one of the co-accused in Crl.R.C.No.1934 of 2025 on 16.10.2025.

3. In the present case, the prosecution contends that the total quantity of methamphetamine involved in this crime is 249 grams, which constitutes a commercial quantity. It is admitted that three accused persons are involved in this case. From A2, 123 grams of methamphetamine were recovered, and from A3, 105 grams were recovered and they were arrested on 09.02.2025, and the final report was filed after the completion of the investigation on 29.07.2025, though the same was e-filed within the statutory period.

4. The records show that the final report was filed within the statutory period, as the 180 days from the date of remand expired on 07.08.2025. The case was thereafter taken on file and cognizance was taken by the Subordinate Court on 19.08.2025. Hence, there was no violation on the part of the prosecution regarding the filing of the final report within the statutory period. Consequently, the application filed by the petitioners seeking statutory bail was dismissed by the Trial Court.



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5. On considering the submissions, it appears that the total quantity of methamphetamine involved in this case is 249 grams, which falls under the category of commercial quantity. Out of this, 123 grams were recovered from A2 and 105 grams from A3. The petitioners were arrested on 09.02.2025 for alleged possession of 21 grams of methamphetamine, which constitutes an intermediate quantity. The statutory period of 180 days for filing the final report thus expired on 07.08.2025. According to the petitioners, the final report was not taken on file before the expiry of the statutory period, and therefore, he filed an application for statutory bail on 09.08.2025. However, the same was dismissed by the Trial Court holding that the final report had been filed on 29.07.2025. The learned counsel for the petitioners produced the e-Court filing status, which shows that though the report was uploaded on 29.07.2025, it was incomplete and was returned with certain objections. The record further shows that the report was re-submitted only on 14.08.2025, and the case was taken on file and cognizance was taken only on 19.08.2025.

6. Hence, it is evident that the case was not taken on file within the statutory period of 180 days. Since cognizance was taken only after the expiry of the said period, the petitioners are entitled to statutory bail. The Trial Court erred in dismissing the application on the ground that the report was filed in



time, without verifying whether it was a complete and valid filing.

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7. Furthermore, as per the prosecution's own statement, the petitioners have no previous case under the NDPS Act, and only 21 grams of methamphetamine were recovered from him. Considering the nature of the offence and the quantity involved, this Court is inclined to grant bail to the petitioners.

8. The petitioners are ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, out of which one surety shall be a blood related surety, each for a like sum to the satisfaction of the Learned I Additional Special Judge under EC and NDPS Act, Chennai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police **on every Tuesday and Saturday at 10.30 a.m.**, until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either



during investigation or trial.

WEB COPY [e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

10. In view of the above, this Criminal Revision Case is allowed.

16-10-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

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1. The State Rep. by
Inspector of Police
NIB CID Police Station,
Cr.No.10/2025
2. The Superintendent of Prison,
Central Prison, Puzhal.
3. The I Additional Special Judge under
EC and NDPS Act, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI J.
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