

Crl.O.P.(MD)No.4154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.4154 of 2025

Arun

.. Petitioner

Vs.

**The Inspector of Police
Keelaiyur Police Station
Nagapattinam District**

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the returned order in Crl.M.P.SR.No.259 of 2025 on the file of the Special Court under E.C.and NDPS Act, Thanjavur and to take on file

For Petitioner : Mr.K.Kumaravel

**For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)**

ORDER

This Criminal Original Petition has been filed by the petitioner challenging the order passed by the Special Court under E.C.and NDPS Act, Thanjavur by returning the bail application on the ground that the First Information Report and its connected papers not yet received from the lower Court.



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2. The learned counsel appearing for the petitioner would submit that the petitioner has filed a bail application before the Special Court under E.C.and NDPS Act, Thanjavur and the same was returned for the reason that the First Information Report and its connected papers not yet received from the lower Court. Infact the petitioner also filed copy of the First Information Report along with bail application inspite of that the Presiding Officer has returned the bail petition without numbering the same. Therefore the return made by the Special Court has to be set aside and this Court may direct the Special Court to number the petition.

3. This Court also called for report from the Presiding Officer, Special Court under E.C.and NDPS Act, Thanjavur as to what are the procedures are being followed while numbering the bail petitions and the Presiding Office in reply stated that whenever bail application is filed along with First Information Report this Court would number the bail application,even if original First Information Report is not received from the concerned Court. In the case on hand the petitioner has enclosed copy of the First Information Report, inspite of that the same was returned. Once the copy of the First Information Report is enclosed along with bail application it is the duty of the Court to number the bail application but in



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this case without numbering the bail petition it was returned as the First Information Report and its connected papers not yet received.

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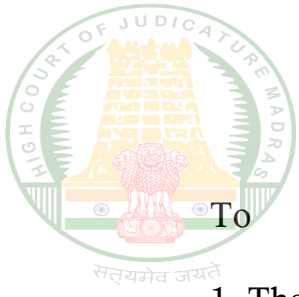
4. Therefore the order passed by the Presiding Officer, Special Court under E.C.and NDPS Act, Thanjavur in Crl.M.P.Sr.No.259 of 2025 by returning the petition is not in accordance with law and the same is liable to be set aside.

5. Accordingly the Criminal Original Petition stands allowed and the order passed by the Special Court under E.C.and NDPS Act, Thanjavur is set aside and the Special Court is directed to number the bail application and pass appropriate orders on merits and in accordance with law.

13.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 13.03.2025



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To

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1. The Special Court under E.C.and NDPS Act, Thanjavur
2. The Inspector of Police
Keelaiyur Police Station
Nagapattinam District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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