



Crl.R.C(MD)No.1200 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL.R.C.(MD)No.1200 of 2025

1. R. Silambarasan
S/o. Ramakrishnan

2.Prakash,
S/o. Govintharaj

... Petitioners

vs.

The State of Tamilnadu
Rep by The Inspector of Police
Jagathapattinam Police Station
Pudukkottai District.
Cr.No.02 of 2025.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, To call for the records and set aside the order passed in Crl.M.P.No.1786 of 2025 dated 08.07.2025 on the file of the Additional District Judge for EC and NDPS Act, Pudhukottai in the interest of justice and to pass such other order or direction.

For Petitioner	: Mr.S.Karthikeyan for Mr.K.Subburaj
For Respondent	: Mr.A.Thiruvadikumar Additional Public Prosecutor



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ORDER

WEB COPY Heard, Mr.S.Karthikeyan, learned Counsel for the Revision Petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for Respondent.

2. This Criminal Revision Petition has been filed challenging the order passed in Crl.M.P.No.1786 of 2025 on the file of the Additional District Judge for EC and NDPS Act, Pudukottai dated 08.07.2025.

3. At the outset, it is submitted by the learned counsel for the petitioner that the impugned order herein dated 08.07.2025 in Crl.M.P. No.1786 of 2025 on the file of the Additional District Judge for EC and NDPS Act, Pudukottai, was challenged in Crl.O.P. (MD) Nos.15094 and 16742 of 2025 by the other accused persons by invoking Section 482 of the Cr.P.C., and this Court had also passed common order in Crl.O.P. (MD) Nos.15094 and 16742 of 2025, dated 10.11.2025. The learned counsel for the petitioner would submit that, in view of the order passed by this Court in Crl.O.P. (MD) Nos.15094 and 16742 of 2025 dated 10.11.2025, the order extending the time limit would cease to exist and would no longer subsist in the eye of law.



4. This court was pleased to find the following, after referring Section 36A(4) of the Narcotic Drugs and Psychotropic Substances Act, 1985, as under:

"10. A reading of the report filed by the learned Additional Public Prosecutor for extension of time would suggest that there are no compelling reasons to justify further detention pending further investigation. Section 36A(4) of the NDPS Act reads as under:

36A. Offences triable by Special Courts.-- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

(1)

.....

(4) *In respect of persons accused of an offence punishable under section 19 or section 24 or section 27A or for offences involving commercial quantity the references in sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974) thereof to "ninety days", where they occur, shall be construed as reference to "one hundred and eighty days":*

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days.

11. The above provision modifies Sub-Section (2) of Section 167 of the Code of Criminal Procedure, 1973, inasmuch as, in respect of offences under Sections 19, 24, or 27A of the NDPS Act, or for offences involving a commercial quantity, the



period of 90 days shall be construed as 180 days. The proviso to Section 36A(4) of the NDPS Act has to be construed as one permitting the learned Public Prosecutor to file a report seeking extension of detention beyond 180 days.

12. The said proviso has unfortunately been understood by the respondent in this case as one permitting the learned Public Prosecutor to seek extension of time to file the final report. Law does not require the Investigation Officer to obtain permission to file the final report after a period of 180 days from the date of arrest, as there is no limitation for taking cognizance of the aforesaid offences. The said proviso only empowers the Special Court to extend the detention beyond 180 days on the request of the Public Prosecutor. Therefore, the report must seek and justify the further detention and not extension of time to file the final report. Unfortunately, as stated earlier, in the report of the learned Public Prosecutor, no compelling reasons for further detention beyond the period of 180 days have been stated.

13. The learned Additional District Judge for EC and NDPS Act Cases, Pudukkottai, also has unfortunately misconstrued the scope of the petition under the proviso to Section 36A(4) of the NDPS Act and granted two months' time to complete the investigation. There is nothing in the impugned orders to suggest that the learned Additional District Judge had satisfied himself as to the necessity of detaining the petitioners beyond the period of 180 days.



14. Therefore, the Trial Courts and the Public Prosecutors dealing with NDPS cases must be informed about the scope of an application filed under the proviso to Section 36A(4) of the NDPS Act. Unless the Public Prosecutor provides compelling reasons for the further detention of the accused beyond the period of 180 days, the learned Trial Judge cannot grant any extension under Section 36A(4) of the NDPS Act. Therefore, the impugned orders extending the said period and rejecting the statutory bail on the ground that extension of time has been granted cannot be sustained and are set aside."

5. From a reading of the above extract, it is clear that this Court has already considered the very same issue and has found that there were no compelling reasons for further retention beyond the period of 180 days. Since this is a common order, the reasons that prevailed with this Court in CrI.O.P. (MD) Nos. 15094 and 16742 of 2025 would equally apply to the petitioner herein.

6. Mr.Thiruvadikumar, the learned Additional Public Prosecutor submitted that there are different accused persons, and they have chosen different remedies: some have invoked Section 482 of the Cr.P.C., while



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the present petitioners have invoked Section 397 of the Cr.P.C. by filing present Criminal Revision Petition. However, that need not be determined since in as much as the impugned order has already been set aside by this Court in CrI.OP(MD).Nos.15094 and 16742 of 2025.

7. It was also pointed out that when the matter was heard on 09.12.2025, the Additional Public Prosecutor sought to ascertain whether the petitioners had filed a statutory bail application. Today, the petitioners has filed the original bail application.

8. As a sequitur, the application filed by the petitioners, which had been returned citing the pendency of the petition, has to be taken on file, and the petitioners have to be released on statutory bail. Since the petitioners have already exercised their right to statutory bail, this Court is inclined to grant bail to the petitioners on the following conditions:

- i. The petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum, to the satisfaction of the learned Additional District Judge for EC and NDPS Act Cases, Pudukkottai.



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- ii. The petitioners and the sureties shall affix their photographs and left thumb impressions on the surety bond, and the Trial Court may obtain copies of their Aadhaar Cards or Bank Passbooks and mobile numbers to ensure their identity; and
- iii. The petitioners shall appear before the Trial Court on the first working day of every month at 10:30 a.m. until further orders. If they are unable to appear before the Trial Court on any such day, they shall make arrangements to file an application under Section 317 of 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.

9. Accordingly, this Criminal Original Petition is allowed, the order impugned herein dated 08.07.2025 in CrI.M.P.No.1786 of 2025 on the file of the Additional District Judge for EC and NDPS Act, Pudukottai is hereby set aside.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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10.12.2025

Note :
Issue order copy on 12.12.2025.



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MOHAMMED SHAFFIQ, J.

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To:

1.The Additional District Judge for EC and NDPS Act,
Pudhukottai.

2. Central Prison,
Puzhal.

3. The Inspector of Police,
Jagathapattinam Police Station,
Pudukottai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl.R.C(MD)No.1200 of 2025

10.12.2025