



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No.370 of 2026

1. Nnaji Lotachukwu Emmanuel
S/o.Nnaji Sunday,

2. Mohand Mohawia Abdul Rahman Teirab
S/o. Mohawia,
Both are Nigerian Nationals,
Currently confined in
Central Prison II,
Puzhal,
Chennai.

...Petitioners/Accused

Vs

The State Rep.by,
The Inspector of Police,
Vanagaram Police Station.

...Respondent/
Complainant

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of B.N.S.S., to set aside the impugned docket order passed as against the petitioner by the Principal Special Judge, Special Court under EC and NDPS Act, Chennai in CrI.M.P.SR.No.932 of 2026 dated 04.02.2026 as unconstitutional and enlarge the petitioner on bail in Cr.No.220 of 2025 pending on the file of the respondent police in the interest of justice.

For Petitioners:

Mr.M.G.Martinmanivannan

For Respondent:

Mr.R.Vinothraja
Government Advocate (Crl.Side)



ORDER

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2. The petitioners were arrested on 18.09.2025 for possession of 13 grams of Methamphetamine and 150 grams of Ganja and hence, they were charged for the offences under Section 8(c) r/w 20(b) ii(A), 22(b), 25, and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The petitioners/accused sought bail before the Trial Court on the ground that the respondent had not filed the Final Report within the statutory period of 60 days prescribed under Section 187(3) of BNSS. The said petition was returned as a remand papers were not yet received by the Trial Court.

4. Mr.M.G.Martinmanivannan, the learned counsel for the petitioners/accused, would submit that the petitioners have an indefeasible right



to be released on bail since the Final Report has not been filed within 60 days;
the learned Judge ought not to have returned the bail petition.

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5. Mr. R. Vinothraja, the learned Government Advocate (Crl.Side),
per contra, submitted that the Final Report is yet to be filed.

6. Considering the fact that the Final Report has not been filed, this Court
is of the view that the petitioners are entitled to the statutory bail under Section
187(3) of the BNSS, as the offences committed by the petitioners are punishable
with a maximum sentence of ten (10) years. Therefore, the petitioners are
entitled to the statutory bail.

7. Accordingly, the Criminal Revision Case stands allowed, and the
petitioners herein are ordered to be released on bail on the following conditions:

(i) The petitioners shall execute a bond for a sum of
Rs.50,000/- (Rupees Fifty Thousand only) each with two
sureties, each for a like sum to the satisfaction of the learned
Principal Special Judge, Special Court under EC & NDPS Act,
Chennai.

(ii) The petitioners 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
passbook or 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, and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

8. At this juncture, Mr.R.Vinothraja, the learned Government Advocate (Crl. Side), for the respondent, submitted that the respondent has obtained order(s) to detain the petitioners in a camp.

9. This Court expresses no opinion on the order(s) so passed. It is needless to say that on release of petitioners on bail, it is open to the respondent to detain the petitioners in a camp so prescribed.

26-02-2026

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

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To

1. The Principal Special Judge,
Special Court under EC and NDPS Act,
Chennai.

2. The Central Prison II,
Puzhal,
Chennai.

3. The Inspector of Police,
Vanagaram Police Station.

4. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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