



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

CrI.O.P.No.7431 of 2026

K.K.Roshan Kumar

... Petitioner

Vs.

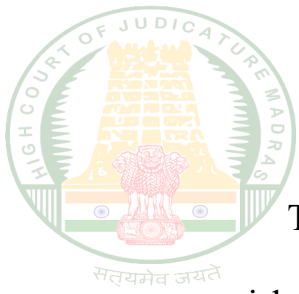
Union of India,
Represented by its, Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C r/w 483 of BNSS., to enlarge the petitioner on bail in C.C.No.547 of 2024 pending on the file of I Additional NDPS Court at Chennai.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor
for Central Government

**ORDER**

The petitioner, who was arrested on 29.12.2023 for the offences punishable under Sections 8(c) r/w Section 22(c), 23(c), 25, 27(A) and 28& 29 of NDPS Act in C.C.No.547 of 2024 on the file of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in connection with R.R.No.69 of 2023 in NCB.F.No.48/1/26/2023-NCB/MDS on the file of the respondent, seeks bail.

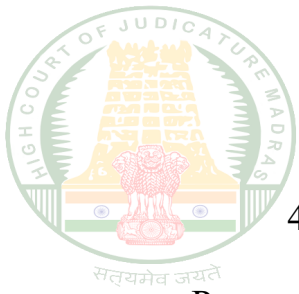
2.The case of the prosecution is that, on 21.12.2023, the respondent police, on receipt of credible information, came to know that A3 (Joseph Justin) along with A1 (Chintamani), A2 (Saravanan), A4 (Selvam) and A9 (Munnah Singh) were involved in trafficking of Methamphetamine. Pursuant to the said information, the respondent police proceeded to the house of A4 situated at Redhills, Chennai, and conducted a search. During the search, A2, A3 and A4 were found present, and 1.823 kg of Methamphetamine was recovered from the premises. On enquiry, it was revealed that the contraband had been supplied by A1, Chintamani, and upon search, she was found in possession of 2.978 kg of Methamphetamine. Thus, a total quantity of 4.801 kg of Methamphetamine was seized and samples were taken for analysis. Thereafter, notices under Section 67 of the NDPS Act were issued, and the voluntary confession statements of the accused were recorded. All the four accused were arrested and remanded to



judicial custody. Based on the disclosure made by A1, the Intelligence Officer

along with his team proceeded to Imphal, Manipur, on 28.12.2023. Acting on further information, they intercepted a vehicle at Keishampat Junction and conducted a search. During the search, three persons, namely Kalaimani, Reena and Roshan Kumar, were found in possession of 11 kg of Methamphetamine concealed in the vehicle. The said contraband was seized and samples were drawn. Subsequently, the said three persons were arrested and remanded to judicial custody on 01.01.2024. Based on the above seizure and further investigation, the case has been registered against the accused.

3. The learned counsel for the petitioner would submit that the petitioner, who is arrayed as A5, was secured on 28.12.2023. According to the prosecution, the respondent police intercepted the petitioner at about 22.00 hours on 28.12.2023 and recovered 11 kgs of Methamphetamine from a silver colour Maruti Alto car. It is further submitted that a notice under Section 67 of the NDPS Act was issued and, though the petitioner was secured on 28.12.2023, after recording his confession statements on 30.12.2023 and 31.12.2023, he was remanded to judicial custody only on 01.01.2024. Hence, it is contended that there is violation of Section 58 of BNSS and Article 22(2) of the Constitution of India. It is further submitted that there is delay in trial and that the grounds of arrest have not been furnished. Hence, he prayed for grant of bail.



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4. The said contention was stoutly opposed by the learned Special Public Prosecutor appearing for the respondent and would submit that the petitioner cannot take advantage of the time spent during enquiry. It is further submitted that the petitioner was remanded within 24 hours from the time of arrest. He would also submit that, in offences under the NDPS Act, a liberal approach cannot be adopted in granting bail. It is further submitted that the petitioner is involved in a similar case in Crime No.19 of 2023 at Guwahati, wherein 9.669 kgs of Methamphetamine was seized, and hence, he is a habitual offender. Therefore, he prayed for dismissal of the petition.

5. I have given my anxious consideration to either side submissions.

6. The primary contention of the learned counsel for the petitioner is that there was delay in remanding the petitioner to judicial custody, inasmuch as he was secured on 28.12.2023 and remanded only on 01.01.2024. Apart from the above contention, it is also brought to the notice of this Court that, as per the E-Courts status dated 07.04.2026, certain accused were not produced before the Court. At this juncture, the learned Special Public Prosecutor would submit that the accused themselves are not cooperating with the trial and, on one pretext or another, are not appearing before the Court, even while in custody, by



submitting representations to the prison authorities. Therefore, any delay in trial is attributable to the conduct of the accused themselves. In such circumstances, this Court is of the view that, in the backdrop of recovery of 11 kgs of Methamphetamine, the delay in trial cannot be solely attributed to the respondent, and the petitioner is also responsible for the same.

7. Coming back to the aspect of arrest and remand, it is the contention of the petitioner that he was secured on 28.12.2023 but remanded only on 01.01.2024. In this regard, the learned counsel relied on the seizure mahazar dated 28.12.2023. However, the learned Special Public Prosecutor would submit that the seizure proceedings continued till 29.12.2023 and that the petitioner was issued summons under Section 67 of the NDPS Act on 29.12.2023. Thereafter, his statements were recorded on 30.12.2023 and 31.12.2023, and he was formally arrested and remanded on 01.01.2024. From the above narration, it is clear that until arrest, he was enquired, and there are no proof regarding the detention of the petitioner.

8. In this context, it is apposite to refer to the judgment of the Hon'ble Supreme Court in *State of Haryana Vs. Brij Lal Mittal*, reported in (1998) 5 SCC 343, wherein it has been held that the time spent during enquiry cannot be construed as arrest. In the present case, after the search, the petitioner was



issued with summons under Section 67 of the NDPS Act and his statements were recorded pursuant thereto. Hence, the contention that there was delay in remand cannot be accepted, as the petitioner was formally arrested only on 01.01.2024.

9. The reliance placed by the learned counsel for the petitioner on the judgment in *Directorate of Enforcement Vs. Subhash Sharma*, reported in **2025 SCC OnLine SC 240** is distinguishable on facts, as that case involved a lookout circular and consequent detention. In the present case, the petitioner was only summoned under Section 67 of the NDPS Act, and therefore, the said decision is not applicable. The learned counsel also relied on the judgments in *Naeem Ahmed @ Naim Ahmad Vs. Government of NCT of Delhi*, reported in 2024 SCC OnLine SC 220, *Balkishan Vs. State of Madhya Pradesh*, reported in **2024 SCC OnLine SC 5301** and *Sulaiman Mohamed Vs. State of Tamil Nadu (Criminal Appeal No.790 of 2026 dated 09.02.2026)* to contend that delay in trial would entitle the petitioner to bail under Article 21 of the Constitution of India. However, as already observed, the delay in the present case cannot be attributed solely to the respondent, as the conduct of the accused has also contributed to the same.



10. In view of the above, this Court is of the considered view that, in the present case, there is recovery of 11 kgs of Methamphetamine, which is a commercial quantity, and the petitioner has also involved in another case involving seizure of 9.669 kgs of Methamphetamine. Therefore, this Court finds that the rigour under Section 37 of the NDPS Act is attracted and the petitioner has not made out any grounds to overcome the same. Accordingly, this Court is not inclined to grant bail to the petitioner.

11. In the result, this Criminal Original Petition stands dismissed.

22.04.2026

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Index: Yes

Speaking Order

Neutral Citation: Yes

To:

1. The Intelligence Officer,
Union of India,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
2. The I Additional NDPS Court at Chennai.
3. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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