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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2026

CORAM

THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P. Nos. 25141 and 29841 of 2026

Crl.O.P. No.25141 of 2026
Kavin, (29 Years)
S/o. Selvam ... Petitioner / Accused No.1

Vs.

State Rep. by
Inspector of Police,
Tiruppur Central Police Station
(Crime No.249/2025) ... Respondent

Crl.O.P. No.29841 of 2026
Prabhu, (M/A-42 Yrs),
S/o. Mangai Pagu ... Petitioner / Accused No.3

Vs.

The State Rep. by,
Inspector of Police,
Tirupur Central Police Station
(Crime No.249/2025) ... Respondent / Complainant

PRAYER in Crl.O.P. No.25141 & 29841 of 2026: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C. No.71 of 2026 on the file of the Learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner in Crl.O.P. No.25141 of 2026 : M/s. S. Selvakumar
For Petitioner in Crl.O.P. No.29841 of 2026 : M/s. R. Vivekananthan
For Respondent in both petitions: Mr. M.M.I. Khaleel, Govt. Advocate (Criminal Side)

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COMMON ORDER

These are two petitions for regular bail in a case under the NDPS Act, under Section 483 of the BNSS. The petitioner in Crl.O.P. No.25141 of 2026 is the first accused, and the petitioner in Crl.O.P. No.29841 of 2026 is the third accused, in Crime No.249 of 2025 on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur City, in which the final report is laid under Section 123 of the BNS and Sections 8(c), 22(b), 22(c) and 29(1) of the Act. The final report has been taken on file as C.C. No.71 of 2026 by the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore (the Special Court). Section 22(c) carries rigorous imprisonment for not less than ten years, which may extend to twenty years. Each petition is the fourth by its petitioner before this Court. Both arise from the same crime and are disposed of by this common order.

2. The case of the prosecution, briefly stated, is this. On 20.05.2025, near Kulathupudur on the Tiruppur-Mangalam Road, the first and second accused are said to have dissolved two capsules of Dicyclomine HCl, Tramadol HCl and Acetaminophen in glucose and injected the solution into the left hand of the de facto complainant, and to have taken a thousand rupees from him for it. On his way home he became giddy and fainted by the roadside. The police apprehended the first and second accused at the spot the same day and seized sixteen capsules of the same combination from the first accused. On his statement, the police went to the third accused, who ran a medical shop at Iduvai, and seized from him two thousand such

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capsules weighing 1.200 kilograms, four hundred and twenty alprazolam tablets and fifty-four bottles of codeine phosphate and triprolidine syrup. Both petitioners were arrested on **20.05.2025** and have been in custody since for about one year and six months.

3. Tramadol is entered at Serial No.238ZH of the Table to Notification S.O.1055(E) dated 19.10.2001, by the amending Notification S.O.1762(E) dated 26.04.2018, with a small quantity of five grams and a commercial quantity of two hundred and fifty grams. By Note 4 to the Table, the figures apply to the drug in its dosage form and not merely to its pure content, as held in **Hira Singh v. Union of India, (2020) 20 SCC 272**. The **1.200 kilograms of capsules seized from the third accused is a commercial quantity**, and Section 37(1)(b) of the Act applies to his petition. I leave the syrup and the alprazolam tablets out of the working. The sixteen capsules seized from the first accused weigh 9.6 grams, which is an intermediate quantity. Section 37 of the Act is therefore engaged against him only if the quantity seized from the third accused can be put to his account.

4. The first accused filed Crl.O.P. No.16364 of 2025, dismissed on 17.09.2025, Crl.O.P. No.1258 of 2026, dismissed on 13.02.2026, and Crl.O.P. No.13664 of 2026, dismissed on 20.07.2026. The third accused filed Crl.O.P. No.20800 of 2025, which was dismissed as withdrawn on 17.09.2025, and Crl.O.P. No.29946 of 2025, which was dismissed on 19.11.2025 for want of any change in circumstances. His Crl.O.P.

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No.2240 of 2026 was dismissed on 02.04.2026 by a coordinate Bench, by a common order which also disposed of the petitions of the second and fifth accused. That order rests on the recovery of a commercial quantity from the third accused and on the absence of any record that the drugs were sold on prescription, and it directed the trial Court to dispose of the case within six months.

5. Learned counsel for the petitioners made these submissions.

For the first accused:

[a] he is innocent and has been falsely implicated for statistical purposes.

[b] He has been in custody for over a year, the final report has been filed and the trial is pending.

[c] He will abide by any condition the Court may impose.

For the third accused:

[d] he has been implicated on the confession of a co-accused.

[e] The investigation was completed and the final report taken on file after the order dated 02.04.2026, and his further custody is not warranted.

[f] He will offer sureties and abide by any stringent condition.

6. The respondent has filed a counter affidavit in Crl.O.P. No.25141 of 2026, and that petition is opposed on its lines. The counter affidavit lists six earlier cases against the first accused and apprehends that he may abscond, repeat the offence or interfere with the witnesses.

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7. I have considered the rival submissions and perused the material placed before me.

8. These being successive petitions, the first question is what has changed since the last orders, dated 20.07.2026 for the first accused and 02.04.2026 for the third.

9. I take first the third accused. The capsules already noticed were seized from him, and his case does not rest on the confession of a co-accused. The order dated 02.04.2026 notes, in paragraph 2(b), the submission that the final report had already been taken on file as **C.C. No.71 of 2026**, as indeed it had been on 30.01.2026. Paragraph 10 of his petition, which says that the final report came after that order, is not correct. Nothing in the petition touches the material on which the coordinate Bench declined bail. On the material as it stands, I am not satisfied that there are reasonable grounds for believing that the third accused is not guilty of the offence alleged. The two conditions in Section 37(1)(b)(ii) of the Act are cumulative, and the failure of the first makes it unnecessary to consider the second.

10. As to the first accused, every ground in his petition was available when his earlier petitions were decided. The final report was on file before the orders dated 13.02.2026 and 20.07.2026, and his custody then, as now, ran from 20.05.2025. Whether the quantity seized from the third accused can be put to his account was a

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question open to him on each of those petitions. The material against him includes the capsules taken from his person, the complaint, which names him as one of the two men who gave the injection, and the account of the friend who was with the de facto complainant and is cited as an eyewitness. The counter affidavit lists six earlier cases against him. Three ended in acquittal, the stage of the other three is not stated, and none is under the Act.

11. What has changed for both petitioners is time. The final report was taken on file on 30.01.2026. The case status placed before me shows the case listed for framing of charges from March to May 2026 and, since then, adjourned with miscellaneous petitions pending. Charges have not been framed. The six months fixed by the coordinate Bench on 02.04.2026 ran out on 02.10.2026. Delay and long custody are circumstances that weigh, but the right to a speedy trial is to be read alongside, and not in displacement of, Section 37, as held in **State of Punjab v. Sukhwinder Singh @ Gora, (2026) 7 SCC 513**. One year and seven months is not long custody for an offence carrying up to twenty years, as held in **State of Punjab v. Balraj Singh @ Billa, 2026 INSC 618**. The approach to bail where prolonged incarceration is asserted under special statutes with restrictive bail conditions has been referred to a larger Bench in **Tasleem Ahmed v. State (NCT of Delhi), SLP (Crl.) No.2867 of 2026**, order dated 22.05.2026, and **Sukhwinder Singh** (cited supra) is the latest reasoned statement meanwhile. A trial that has not moved for nearly ten months calls for a

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direction to move it, not for the release of accused persons whose case for release rests on that very delay.

12. **In the result, both the Criminal Original Petitions are dismissed.**

13. The Special Court shall dispose of the miscellaneous petitions pending in C.C. No.71 of 2026 and frame charges, if they have not already been framed, within four weeks from the date of receipt of a copy of this order, without adjourning the case for that purpose except for reasons to be recorded. The Special Court shall examine the witnesses on dates not more than fourteen days apart and shall make every endeavour to conclude the trial within six months thereafter. If the trial is not concluded within that period for reasons not attributable to the petitioners, they are at liberty to move afresh.

14. It is made clear that the observations in this order are prima facie and are confined to the disposal of these petitions. They are not an expression of opinion on whether the quantity seized from the third accused can be put to the account of the first accused, or on the quantities seized. The Special Court shall decide every question on the evidence let in before it, uninfluenced by anything stated here.

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