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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: ___.11.2026

CORAM
THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P. No. 32269 of 2026

Yash Chhabda, M/26,
S/o. Dinesh Kumar ... Petitioner / Accused

Vs.

Union of India,
Rep. by the Intelligence Officer,
Through Narcotics Control Bureau,
Chennai Zonal Unit.
(R.R. No. 23 of 2026 in NCB/F/No/48/1/17/2026)
... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in RR No. 23 of 2026 in NCB/F/NO/48/1/17/2026 pending investigation before the respondent.

For Petitioner : Mr. R.C. Paul Kanagaraj

For Respondent : Mr. V. Chandrasekaran,
Special Public Prosecutor (NCB)

ORDER

This is a petition for regular bail in a case under the NDPS Act, under Section 483 of the BNSS. The petitioner is the accused in R.R. No. 23 of 2026 in NCB F.No. 48/1/17/2026 of the Narcotics Control Bureau, Chennai Zonal Unit, registered for offences under Sections 8(c) read with 20(b)(ii)(A), 21(c),

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22(c), 23(c), 25, 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The investigation is pending. This is his second petition before this Court.

2. The case of the prosecution, briefly stated, is this. On 16.06.2026 the officers of the respondent seized 12.35 grams of tablets believed to be MDMA from a courier parcel at Chennai that gave 8238008003 as the sender's number. On 17.06.2026 they searched the petitioner's car at Surat and seized 69.67 grams of ganja and three blots believed to be LSD, and then seized 560 milligrams of powder believed to be LSD from a parcel at the Nanpura Head Post Office. I dismissed his first petition, **Yash Chhabda v. Union of India, Crl.O.P. No. 27602 of 2026, dated 07.10.2026**, as I was not satisfied of the first condition in Section 37(1)(b)(ii) of the Act.

3. Learned counsel for the petitioner made these submissions.

(a) the arrest of Maheksheet Chawla @ Miku Chhawla on 08.10.2026 shows that it was he who sent and received the parcels, and that he misused the petitioner's mobile number;

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(b) the petitioner was detained from 16.00 hours on 17.06.2026 and was produced before the learned Magistrate at Surat only at 18.00 hours on 18.06.2026, beyond twenty-four hours;

(c) the two persons found with him in the car were let go without explanation;

(d) the officers held an authorisation naming his car, though nothing before them had disclosed it;

(e) the Magistrate at Surat recorded his complaint of ill-treatment in the transit remand proceedings; and

(f) apart from the parcels, what was found in the car is a small quantity.

4. The respondent has filed a counter affidavit and an additional counter affidavit, and the petition is opposed on their lines. It is said that the arrest of Maheksheet Chawla only shows a syndicate at work, that the two others are named in the mahazar and were examined, and that the petitioner was produced within twenty-four hours.

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

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6. This being a successive petition, the first question is what has changed since the order dated 07.10.2026. The plea under Article 22(2) of the Constitution was not urged then. It now rests on a change in the law. On 05.11.2026, in **Sujit Das v. Union of India, 2026 INSC 1195**, the Supreme Court held that the twenty-four hours under clause (2) of Article 22 run from the time the person is intercepted and detained and his liberty is curtailed, and not from the time of his formal arrest, and that where the detention continues beyond twenty-four hours before production he shall be released forthwith (paragraphs 64 and 69). It held that the decision of this Court in **Kannan v. State of Tamil Nadu, 2026 SCC OnLine Mad 6652**, which left out of the count the time taken before the formal arrest, did not lay down the correct law. A change in the law of that kind is one on which a successive petition may be entertained, as held in **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2005) 2 SCC 42**.

7. Sujit Das (cited supra) was decided after the petitioner's arrest. It does not say that it is to operate only for the future, and the Supreme Court applied it to the appellants before it, who had been detained on 29.09.2025. A decision of the Supreme Court that does not expressly provide for prospective operation applies retrospectively, as held in **Government of India v. Sri Devraj URS Medical College, 2026 INSC 799** (paragraph 11).

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8. In **Richard Yao v. Superintendent of Customs, Crl.O.P. No. 26286 of 2026, dated 23.11.2026**, I held that Sujit Das would govern arrests made after 05.11.2026. That case stood on different facts. The petitioner there was arrested in June 2023, and the arrest had been followed by a complaint, cognizance, the framing of charges and the examination of five witnesses, so that the remand was a step long completed on which the trial had been built. The time he spent in hospital passing the capsules was in any event not to be counted. That order did not consider **Devraj URS Medical College** (supra). Here the arrest was made on 18.06.2026, the investigation is still pending and no complaint has been filed. Applying Sujit Das to this arrest reopens nothing that has been completed.

9. I turn to the record, and I take it from the respondent's own papers. The seizure mahazar of 17.06.2026 records that the officers approached the witnesses at about 16.00 hours, went with them to the petitioner's car and searched it, and that the proceedings ended at 19.00 hours. A second mahazar was drawn at the post office and ended at 22.00 hours. Paragraph 3 of the additional counter affidavit and the application for transit remand say that the petitioner was then lodged for the night in safe custody at the Athwa Police Station, Surat. The arrest memo shows his arrest at 14.00 hours on 18.06.2026

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at the same police station. From the time the officers began to search his car he was under their control. That is the detention from which Sujit Das requires the twenty-four hours to be counted.

10. The order of the Judicial Magistrate First Class, Surat, dated 18.06.2026, filed in the petitioner's additional typed set, records that he was produced before that court *"on 18/06/2026, at 6:00 pm"*. The same order records that he complained, on affidavit, that he had in fact been arrested on 17.06.2026, so that the point was raised at his very first production. In paragraph 6 of the additional counter affidavit the respondent counts the twenty-four hours from 22.00 hours on 17.06.2026, the end of the second mahazar. That is the method of counting that Sujit Das rejects. Counted from the search of the car at or soon after 16.00 hours on 17.06.2026, the petitioner was produced about twenty-six hours later. The interception cannot be placed any later than 18.00 hours, because by 19.00 hours the car had been searched, the contraband sealed and the mahazar drawn. The car, the police station and the court are all in Surat, and the journey between them cannot account for the excess. The twenty-four hours were exceeded.

11. Where the detention continues beyond twenty-four hours without production, the arrest is vitiated on the completion of twenty-four hours in

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custody, and the court dealing with the bail petition must release the accused even though the twin conditions of a special statute are not met, as held in **Jaskaran Jeet Singh Deol v. State of Punjab, 2026 INSC 1022** (paragraphs 31 and 31.1). In **Sujit Das** (cited supra), which concerned a commercial quantity under this Act, the Supreme Court directed release on bail on that ground alone.

12. I make this order on that ground and not upon any satisfaction recorded on the twin conditions in Section 37 of the Act, which I have not reached and do not reach. I do not go into the other grounds urged, and what I said on 07.10.2026 about the material against the petitioner is left where it stood.

13. **In the result, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail.**

14. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) with two sureties (one blood surety and one local surety) each for a like sum to the satisfaction of the learned Principal Special Judge for EC and NDPS Act Cases, Chennai and on further conditions that:

[a] the sureties shall affix his photographs and Left

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Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

(b) the petitioner shall report before the respondent police daily at 10:30 A.M. for a period of 15 days and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

[g] within one week of his release, the petitioner shall file an affidavit before the Principal Special Judge giving his permanent address at Surat, the address at which he will stay while on bail and his mobile number, with proof, and shall

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not change either address without prior intimation in writing to that court and to the respondent;

[h] the petitioner shall appear before the respondent, the Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, at 10.30 a.m. daily for fifteen days from the date of his release, and thereafter once a month, on the first Monday of each month, until the final report is filed;

[g] the petitioner shall not leave India without the prior permission of the Principal Special Judge;

15. Every observation in this order is prima facie and is confined to the disposal of this petition. None of them is an expression of opinion on the merits of the prosecution case or on the other grounds urged by the petitioner. The trial court shall decide every question on the evidence let in before it, uninfluenced by anything stated here.

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To

1. Principal Special Judge for EC and NDPS Act Cases, Chennai

2.Intelligence Officer,
Through Narcotics Control Bureau,
Chennai Zonal Unit.

3. The Superintendent,
Central Prison, Puzhal.

4. The Public Prosecutor,
Madras High Court.

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Crl.O.P.No.32269 of 2026

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