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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.12.2025

PRONOUNCED ON : 02.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2470 of 2025

M.Kaviruban

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
E-5, Sholavaram Police Station,  
Chennai - 600 067.  
(Cr.No.214 of 2025)

... Respondent

PRAYER: Criminal Revision Petitions filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned docket order dated 28.10.2025 in Crl.MP.Sr.No.9091 of 2025 made by the learned Principal Special Judge under EC & NDPS Act at Chennai and set aside the same as illegal and enlarge the petitioner on bail in Crime No.214 of 2025, pending on the file of the respondent police.



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For Petitioner : Mr.P.Santhosh

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For Respondent : Dr.C.E.Pratap  
Government Advocate (Crl.Side)

### ORDER

The above Criminal Revision Case has been filed challenging the docket order dated 28.10.2025 passed by the learned Principal Special Judge under EC & NDPS Act at Chennai, returning the petition for bail filed under Section 187(2) of BNSS (corresponding to Section 167(2) of the Cr.P.C.)

2. It is the case of the petitioner that he was arrested on 28.04.2025 for the alleged offences under Section 8(c) r/w 20(b)(ii)(C), 25, 29(1) of the NDPS Act, 1985; that no contraband was seized from the petitioner; that he was implicated only on the confession of the co-accused; and that the role alleged by the prosecution is that the petitioner along with the other accused had conspired to purchase ganja from Andhra Pradesh and sell it in Tamil Nadu.

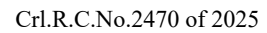
3. The learned counsel for the petitioner would submit that the petitioner had sought for statutory bail on 14.10.2025 and the same was



returned on 15.10.2025 on the ground that the petitioner had not completed the mandatory minimum period for statutory bail; that thereafter he had represented the petition on 25-10-2025 stating that the petitioner was in custody for 181 days; that even thereafter the learned Judge had returned the said petition stating that the remand report has not been received by the Court; and that the instant revision has been filed, challenging the said docket order.

4. The learned Government Advocate (Crl.Side) would submit that the final report was filed before the mandatory period of 180 days and therefore, the learned Judge was right in returning the bail application of the petitioner.

5. Since there was no clarity on which date the final report was filed, this Court had called for a report from the learned Principal Special Judge, Principal Special Court under NDPS Act, Chennai, as to when the final report was filed. The learned Judge has sent a report dated 17.12.2025, stating that the charge sheet was uploaded on 09.10.2025; that since it was not in order, the cognizance could not be taken and after obtaining the



6. It appears from the report that the final report though was uploaded on 09.10.2025 had certain defects. The defects were rectified only in the month of November 2025. The mandatory period of 180 days according to the petitioner ended on 25.10.2025. Therefore, this Court is of the view that the trial Court ought to have examined the petition for default bail filed by the petitioner on merits and decided whether the final report was filed in accordance with law before the mandatory period, instead of returning the said petition.

7. Hence, the impugned docket order is set aside. The learned Principal Special Judge, Principal Special Court under NDPS Act, is directed to take the application of the petitioner on file and consider whether the petitioner is entitled to statutory bail. This Court has not expressed any opinion on the merits or claim of the petitioner. The learned Judge shall decide the application of the petitioner within a period of one week from the date of receipt of a copy of this order.



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8. With the above observation, the criminal revision case is disposed of.

02.01.2026

Index : Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No

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To

- 1.The Principal Special Judge under EC & NDPS Act,  
Chennai.
- 2.The Superintendent of Prisons,  
Central Prison, Puzhal.
- 3.The Inspector of Police,  
E-5, Sholavaram Police Station, Chennai – 600 067.
- 4.The Public Prosecutor,  
High Court, Madras.



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SUNDER MOHAN, J.

ars

Pre-delivery Order in  
Crl.R.C.No.2470 of 2025

02.01.2026