

WEB COPY

CRL MP No. 8450 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 8450 of 2026

in

Crl.A.No.622 of 2026

N.Jeyakumar
S/o Natarajan,
Manthakarai Street,
Sanagkuppam,
Ambur, Vellore District.

..Petitioner(s)

Vs

The State Represented by
The Deputy Superintendent of Police
NIB CID, Coimbatore.
Crime No.134 of 2019

..Respondent(s)

PRAYER: This criminal miscellaneous petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed against the petitioner in the learned Additional District Judge/Special Court under EC/NDPS Act, Coimbatore in CC.No.16 of 2020 dated 25.03.2026 and enlarge the petitioner on bail and pass such further or other orders.

For Petitioner(s):

Mr.C.D.Johnson

For Respondent(s):

MS. SHARADA VIVEK
Counsel for Government of Tamil Nadu
(CRL. SIDE)



ORDER

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The petitioner/accused convicted by the trial Court in C.C.No.16 of 2020 by judgment dated 25.03.2026 for offence under Section 8(c) r/w 20 (b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act 1985 and sentenced him to undergo Rigorous imprisonment for a period of twelve years and to pay a fine of Rs.1 lakh, in default, to undergo Rigorous imprisonment for a period of one year, filed this suspension of petition.

2.The contention of the learned counsel for the petitioner is that the petitioner is running a metal shop at Vellore. For his business purpose, he visited Coimbatore, but it has been projected that the petitioner was carrying two bags, each containing 11 kgs of Ganja, totalling 22 kgs of Ganja from Coimbatore Junction towards Santhi Theatre. The respondent police went there and restrained the petitioner, questioned him and found that he was carrying Ganja and it was seized near public place. The entire search and seizer took place near Coimbatore junction, wherein, Collector office, Banks, Cinema theatre, Fire service station and all pubic officers are located and in all the places, CCTV cameras are available but no CCTV recordings were produced.

3.According to the petitioner, everything has been stage managed. Two abandoned bags found near the railway station, have been projected against the



petitioner and false case has been foisted. He further submitted that PW1, who taken the samples from the two bags, stated that she smelt it and found it to be Ganja in one bag's sample and the second bag's sample, she let it in fire and receiving the smoke confirms it will be Ganja. Thus, the procedure under Section 52A not followed. He further submitted that no private witness examined. The information under Section 42, Ex.P1 though stated to have received at 5.00 a.m. it was sent to PW3, who approved the same and there is nothing to show that the prior information disclosed the identity of the accused. Likewise, Section 57 NDPS Act is also not complied. In this case, all three witnesses are police personnel and no public witness examined. One of the head constables, who accompanied PW1 & PW2, also not examined. Hence, Statutory condition not complied. Hence, sought for bail.

4.The learned counsel for Government of Tamil Nadu appearing for the respondent filed her counter and strongly opposed the petitioner's contention and submitted that on 06.08.2019, at about 6.00 hrs, based on secret information, PW1 the then sub-Inspector of police and her police team, i.e. Saleth mary, PW1, sub-Inspector of police, Tr.Thangaraj, the Special Sub Inspector of Police, and HC-2415, Tr.Thangaraj, conducted raid at 6.15 hrs at Coimbatore City, State Bank Road, near Shanthi Theatre Bus stop. The respondent police found accused person with two bags, one PYMO Black colour shoulder bag and another one black with red colour mixed travel bag in a



suspicious manner. The respondent police caught hold of him and conducted search on the accused person and belongings. During enquiry, it came to know that the accused person, namely Jeyakumar S/o.Natarajan, Manthakarai Street, Sanagkuppam, Ambur, Vellore. Subsequently, the respondent police conducted search and found the accused person in possession of 22 kgs Ganja. Further, the respondent police seized the contraband under cover, prepared seizure mahazar in the presence of witnesses. Then, the respondent police arrested the accused and recorded his confession statement. Thereafter, a case was registered in Cr.No.134/2019 under Section 8 (c) r/w 20 (b) (ii) (C) of NDPS Act against the accused person on 06.08.2019 and the same was submitted before the then Deputy Superintendent of Police Tr.Vincent for further investigation. The specific overtact of the accused is as follows:

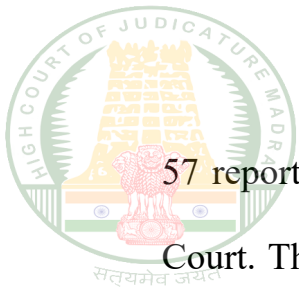
S.No.	Name of the accused	Contraband seized	Commercial/NDPS Non Schedule Commercial No.	Chemical Report
1.	Jeyakumar, age 49 S/o.Natarajan Manthakarai Street, Sanagkuppam, Ambur, Vellore.	22 Kg Ganja	Commercial 55 Quantity	Obtained NAR No. 209/2019 dated 25.10.2019

5.It is further submitted that during the course of investigation on 06.08.2019, the then Sub Inspector of Police arrested the accused person and



recorded his confession statement in the presence of witnesses and handed over the case to Tr.Vincent, the then Deputy Superintendent of Police, NIBCID, Coimbatore. The accused produced before the Judicial Magistrate – III Court, Coimbatore and remanded him to judicial custody. The said seized property were produced before the Special Court for EC & NDPS Act cases, Coimbatore on 09.10.2019 in PR.No.127/2019. To prove the case of prosecution, three witnesses were examined, 8 Exhibits were marked and no material objects were marked. Based on the evidence of the prosecution witnesses supported by the relevant documentary evidence marked by prosecution as exhibits, the trial Court rightly convicted the petitioner/accused, after scrutinizing the evidence of the prosecution witnesses and supporting documents. The prosecution proved pointing each and every circumstances to the guilt of the petitioner/accused and the prosecution proved the case beyond all reasonable doubts. From the date of judgment i.e. 25.03.2026 to till date, petitioner/accused confined into Central prison, Coimbatore.

6. Considering the submissions made and on perusal of the materials available on record, it is seen that in this case, the petitioner caught red-handed carrying two bags of Ganja containing 11 Kgs in each , totalling 22 Kgs, which are commercial quantity. Prior information about the petitioner received by PW1 and got permission under Ex.P1 from PW3. Exs.P1 and P2 are in compliance with Section 42 of NDPS Act. Ex.P3 Seizer mahazer, Ex.P5 Section



57 report. The seized contraband without delay was produced before the trial Court. The remand order dated 06.08.2019 and form 91 confirm the same. The requisition for chemical analysis Ex.P7 and the report Ex.P8 confirms that the contraband was Ganja. In this case, all statutory procedures were followed. PW1 gave an explanation that though private witnesses were called but they refused to be a witnesses and thereafter only, in presence of PW2 and one Vijaya kumar, the seizer has been made. Already PW2 confirmed the search seizure and recovery. In view of the same, examination of Vijayakumar is not required. Non-examination of Vijayakumar, in no way affects the case of prosecution. The trial Court considered all the evidence and rightly convicted the petitioner.

7. In view of the above, this court finds no prima facie reason to interfere with the judgment of the trial Court in C.C.No.16 of 2020 dated 25.03.2026 to consider the suspension of sentence/bail petition. Accordingly, the suspension of sentence petition is dismissed.

08-07-2026

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

1. Additional District Judge/Special Court under EC/NDPS Act,
Coimbatore.
2. The Deputy Superintendent of Police
NIB CID, Coimbatore.
Crime No.134 of 2019.
3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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