



WEB COPY



Crl.MP.No.12089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.12089 of 2025

in

Crl.A.No.706 of 2025

Sreenath

...Petitioner

Vs.

The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai

... Respondent

PRAYER:

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C.,
praying to suspend the sentence imposed on the petitioner by order dated
03.01.2025 in CC.No.82 of 2022 by the learned Special Judge, I Additional
Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and
release the petitioner on bail till the disposal of the above Crl.A.No. of
2025.



WEB COPY



Crl.MP.No.12089 of 2025

For Petitioner : Mr.O.Chembulingam

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner by order dated 03.01.2025 in CC.No.82 of 2022 by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and to release the petitioner on bail till the disposal of the above criminal appeal.

2. The petitioner herein is an accused in CC.No.82 of 2022 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He was found guilty of the offences under Sections 8(c) r/w 29, 8(c) r/w 20(b)(ii)(c), 8(c) r/w 28 of NDPS Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 8(c) r/w 29 of NDPS Act	to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs.1,00,000/-, in default to undergo simple



S.No.	Conviction	Sentence
		imprisonment for three months.
2	Section 8(c) r/w 20(b)(ii)(c) of NDPS Act	to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs.1,00,000/-, in default to undergo simple imprisonment for three months.
3	Section 8(c) r/w 28 of NDPS Act	to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs.1,00,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed criminal appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/A2 would submit that there are arguable points available in the Criminal Appeal and the petitioner/A2 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/A2 may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Special Public Prosecutor for NCB appearing for the respondent raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the



WEB COPY

prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. There are totally three accused, in which the petitioner is arrayed as A2. The case of the prosecution is that the first accused is the driver of the lorry and the third accused is the owner of the lorry. The second accused only provided money to purchase the contraband from Andhra Pradesh. The entire conversation was made through the cell phone and the sim-card owned by the petitioner. Therefore, the trial court found that the tower location and the usage of cell phone correlated between the petitioner and A1. However, there is no evidence to show that the particular cell phone was used by the petitioner. As such, the petitioner made out a prima facie case for suspending the sentence.

7. At this juncture, the learned Special Public Prosecutor for NCB



vehemently contended that the cell phone was seized from the petitioner and the first accused categorically confessed that the petitioner is the purchaser and he only paid money. In fact, the first accused only provided the address of the petitioner. He further submitted that after conviction, the petitioner failed to pay the fine amount.

8. Considering the facts and circumstances, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

9. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the fine amount of Rs.3,00,000/- (Rupees Three Lakhs only) after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.82 of 2022 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, within a period of four weeks



Crl.MP.No.12089 of 2025

from today.

WEB COPY

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Appeal;

(iii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/A2 shall be suspended, on his executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioner shall appear before the Trial Court daily at 10.30 a.m. for 30 days and thereafter appear before Trial Court on the first working day of



WEB COPY



Crl.MP.No.12089 of 2025

every English Calendar month at 10.30 a.m., until the disposal of the criminal appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court;

(vi) On the failure of the petitioner/A2, depositing the above said amount, this order shall automatically stand cancelled.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

25.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



WEB COPY



Crl.MP.No.12089 of 2025

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai
- 2.The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai
- 3.The Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.M.P.No.12089 of 2025
in
Crl.A.No.706 of 2025

25.06.2025
(2/2)