



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.16480 of 2025
in Crl.A.No.1380 of 2025**

Bijaya Kumar Nayak

...Petitioner

Versus

The State Rep. by
Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
(Crime No.113/2022)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389 of Cr.P.C and Section 430 of BNSS, 2023 praying to enlarge the petitioner on bail by suspending the sentence imposed in Spl.C.C.No.69 of 2023 dated 27.01.2025 on the file of Additional District Judge and Presiding Officer, Special Court under NDPS & EC Act, Salem pending disposal of Crl.A.No.1380 of 2025.

For Petitioner : Mr.D.Ravichandran

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Additional District Judge and Presiding Officer, Special Court under NDPS and EC Act, Salem vide Judgment dated 27.01.2025 in Spl.C.C.No.69 of 2023 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.C.C.No.69 of 2023 on the file of Special Court under NDPS and EC Act, Salem. The petitioner/accused was found guilty for commission of offence under Section 8(c) r/w. 20(b)(ii)(c) of NDPS Act. Therefore, the Trial Court vide Judgment dated 27.01.2025 in Spl.C.C.No.69 of 2023, convicted the petitioner/accused and sentenced him to undergo 15 years rigorous imprisonment and to pay a fine of Rs.1,50,000/-, in default, to undergo 6 months simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal before this Court.



3. The learned counsel for petitioner/accused submitted that petitioner/accused is under the judicial custody and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that the respondent Police had caught the petitioner/accused when he was in possession of 40 Kg Ganja chocolates and 155 Kg Tobacco products which was also proved beyond all reasonable doubt before the Trial Court. Therefore, the learned Government Advocate (Crl.Side) for respondent Police submitted that he has serious objection for enlarging the petitioner/accused on bail.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. As far as this case is concerned, the offence committed by the petitioner/accused is serious in nature. The Trial Court has gone through the



evidence in its entirety and rightly held that the petitioner/accused had committed offence under Section 8(c) r/w. 20(b)(ii)(c) of NDPS Act. Hence, I do not find any reason to suspend the sentence imposed on petitioner/accused.

7. In the result, this Criminal Miscellaneous Petition is dismissed.

19.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Additional District Judge and Presiding Officer,
Special Court under NDPS & EC Act,
Salem.
- 2.The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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