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*Crl.M.P.No.17093 of 2024
in Crl.A.No.835 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

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

Crl.M.P.No.17093 of 2024
in
Crl.A.No.835 of 2024

Aqeel Ahamed @ Akil

.... Petitioner

Vs

Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the Principal Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai, convicted the petitioner in C.C.No.105 of 2020 judgment dated 25.04.2024 and enlarge the petitioner on bail pending disposal of Criminal Appeal.

For Petitioner : Mr.C.S.S.Pillai

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (NCB)



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai, in C.C.No.105 of 2020, dated 25.04.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the 2nd accused in C.C.No.105 of 2020 on the file of the learned Principal Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai. He was found guilty of the offences under Sections 8(c) r/w 22(c) & 8(c) r/w 29(1) of the NDPS Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 8(c) r/w 22(c) of the NDPS Act	to undergo rigorous imprisonment for a period of 12 years and to pay fine of Rs.1,20,000/-, in default to undergo simple imprisonment for 6 months.
2	Section 8(c) r/w 29(1) of the NDPS Act	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.50,000/-, in default to undergo simple imprisonment for 6 months.

Aggrieved by the same, the petitioner has filed this appeal along with the



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present miscellaneous petition.

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

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the 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. A perusal of the records reveals that the petitioner has made out a prima facie case for grant of suspension of the sentence imposed by the Trial Court. That apart, the petitioner is in incarceration imprisonment from 31.07.2020.



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7. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

8. 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:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30



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a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. 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.

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

11.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The Principal Special Judge for Exclusive
Trial of Cases under NDPS Act,
Chennai.

2.The Superintendent,
Central Prison, Puzhal-I,
Chennai.

3.Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai

4.The Public Prosecutor,
Madras High Court,
Chennai.

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