



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.17749 of 2025

in Crl.A.No.136 of 2025

1.Ugresan Barik

2.Balaram Barik

...Petitioners

Versus

State Represented by
The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
Crime No.262 of 2022

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C and Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed in the Judgment dated 30.12.2024 passed in Special Case No.47 of 2023 on the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram and enlarge the petitioners on bail



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pending disposal of the above appeal.

For Petitioners : Mr.K.Sudhakar

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

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioners seeking to suspend the sentence imposed on them by the learned Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram vide Judgment dated 30.12.2024 in Special Case No.47 of 2023 and enlarge them on bail pending disposal of the present Criminal Appeal.

2. The Petitioners are Accused Nos.2 & 3 in Special Case No.47 of 2023 on the file of Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram. The Petitioners/Accused



Nos.2 & 3 were found guilty for commission of offence under Section 8(c)

r/w. 20(b)(ii)(B) of NDPS Act. Therefore, the trial Court vide Judgment dated 30.12.2024 in Special Case No.47 of 2023, convicted the Petitioners/Accused Nos.2 & 3 and sentenced them to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,00,000/- each. Aggrieved by the said conviction and sentence, Petitioners/Accused Nos.2 & 3 have preferred the present Criminal Appeal.

3. The learned counsel for Petitioners/Accused Nos.2 & 3 submitted that Petitioners/Accused Nos.2 & 3 are innocent persons and they have been falsely implicated in this case.

3.1. It is further submitted by the learned counsel for Petitioners/Accused Nos.2 & 3 that the trial Court convicted the Petitioners/Accused Nos.2 & 3 only based on the confession statement of Accused No.1. The contraband Ganja was recovered from Accused No.1



and not from the Petitioners/Accused Nos.2 & 3.

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3.2. The learned counsel for Petitioners/Accused Nos.2 & 3 also submitted that Petitioners/Accused Nos.2 & 3 have a fair chance of succeeding in the Criminal Appeal and they are ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioners/Accused Nos.2 & 3 may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that all the three accused are friends and they have been in possession of Ganja Chocolate, Pan and Gutka for selling the same. Hence, they were arrested by the respondent Police and they have been sent to judicial custody. The Petitioners/Accused No.2 & 3 were found guilty for commission of offence under Section 8(c) r/w. 20(b)(ii)(B) of



NDPS Act. Therefore, the learned Government Advocate (Crl.Side)

submitted that he has serious objection for granting bail to

Petitioners/Accused Nos.2 & 3.

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

6. Considering the submissions made by the learned counsel for Petitioners/Accused Nos.2 & 3 coupled with the quantum of punishment imposed on the Petitioners/Accused Nos.2 & 3 and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.



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7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the Petitioners/Accused Nos.2 & 3 shall be suspended and the Petitioners/Accused Nos.2 & 3 shall be released on bail on condition that they shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the trial Court;

(ii) The Petitioners/Accused Nos.2 & 3 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The Petitioners/Accused Nos.2 & 3 shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, they shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 4 months and if they are not able to appear before the trial Court on any day, they shall make arrangements to file



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an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of their absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition is allowed.

19.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1. The Special Judge,
Special Court for Trial of Narcotic Drugs
and Psychotropic Substances Act Cases,
Villupuram.

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2.The Inspector of Police,
Villupuram West Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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