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CRL MP No. 19026 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19026 of 2025

IN

CRL A NO. 1571 OF 2025

1. Mohamed Thabrish

S/o.Shajahan,

36, Kanthokonar Street, Kannika Nagar,
TVS Nagar Road, Kavundampalayam,
Coimbatore.

2. Pradeepraj

S/o.Mani,

14, Yogalakshmi Gardens, Pannimadai,
Coimbatore.

3. Vivian

S/o.Anandkumar,

7/9 Seethalakshmi Avenue, Press
Colony, Coimbatore.

Appellant(s)

Vs

State Represented by The Inspector of
Police
NIB CID Police Station, Coimbatore.
Crime No. 21/2020

Respondent(s)



PRAYER

To Suspend the sentence imposed on the petitioners by order dt. 23.09.2025 in C.C.No. 78/2020 by the Learned Additional District judge/Special Court under EC Act/NDPS Act Cases, Coimbatore and release the petitioners on bail till the disposal of the above Crl.A.

For Petitioner(s): Mr. O.Chembulingam

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners seeking suspension of sentence imposed by the learned Addl. District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore in C.C.No.78 of 2020 dated 23.09.2025, and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused 1 to 3 in C.C.No.78 of 2020 on the file of the learned Addl. District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore. They were found guilty of the offences under Section 8(c) r/w 22(b) and 20(b)(ii)(B) of NPDS Act and they have been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 8(c) r/w 22 (b) of NDPS Act	1 st and 2 nd petitioners sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.50,000/- each, in default to undergo rigorous imprisonment for one year each.
2	Section 8(c) r/w 20(b)(ii)(B) of NDPS Act	3 rd petitioner sentenced to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.50,000/-, in default to undergo rigorous imprisonment for a period of one year.

Aggrieved by the same, the petitioners have filed this appeal and consequently, he filed the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that they have been falsely implicated in this case as if they were in possession of intermediate quantity of contraband. He would submit that they were arrested on 20.02.2020 and released on bail on 11.05.2020 and from 23.09.2025 they were in judicial custody for more than one month. He would further submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.



4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that on 20.02.2020 at about 06.00 hours, based on a secret information, when the respondent police went to the scene of occurrence, the petitioners were involved in illegal transportation of 25 nos. of LSD stamp pads weighed 0.470 from A1, 9 nos. of LSD Stamp pads weighed 0.170 mg. From A2 and 1.200 kgs. of ganja from A3 respectively and the same were seized. He would also content that so far fine amount was not paid, however, they have no previous antecedents. He would also submit 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. On seeing the facts, it reveals that the petitioners were found in illegal possession of 25 nos. of LSD stamp pads weighed 0.470 from A1, 9 nos. of LSD Stamp pads weighed 0.170 mg. From A2 and 1.200 kgs. of ganja from A3 respectively, which are intermediate quantity, however they have no previous antecedents and they are ready to abide any condition imposed by this court and



already they were in judicial custody from 20.02.2020 to 11.05.2020 and now they are in judicial custody from 23.09.2025 for more than one month.

Considering that and 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 Government Advocate (Crl. Side) 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. **Furthermore, according to the contentions of learned Government Advocate (Crl. Side), the petitioners have not paid the find amount. Hence, they were directed to pay the fine amount into the credit of C.C.No. 78 of 2020 before the learned Addl. District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore within a period of three months from the date of their release.**

7. 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 petitioners/accused are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each** with two sureties, **in which one surety must be a blood surety**, each for a like sum to



the satisfaction of the **learned Addl. District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore.**

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(b) The petitioners/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 petitioners shall appear before the respondent police on every Sunday at 10.30 a.m. for the period of three months and they are also directed to appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal** and if they 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 their absence, as directed by the trial Court.

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

9. **Post the matter on 18.12.2025 for reporting compliance.**

05-11-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Addl. District Judge/Special Court under EC Act/NDPS Act Cases,
Coimbatore.

2. by The Inspector of Police
NIB CID Police Station, Coimbatore.

3. The Superintendent of Prison, Central Prison, Coimbatore.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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