



Crl.MP.No.3353 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.3353 of 2026

in

Crl.A.No.211 of 2026

Jeyakumar

...Petitioner/Appellant

Vs.

State rep. by,
The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
Crime No.1037 of 2022.

...Respondent

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to enlarge the petitioner on bail by suspending the sentence imposed on him in C.C.No.168 of 2022 on the file of the Principal Special Court under EC & NDPS Act, Chennai dated 23.10.2024, pending disposal of the above appeal.

For Petitioner : Mr.R.Santhosh

For Respondent : Ms.J.R.Archana, GA(Crl. Side)

ORDER

This criminal miscellaneous petition has been filed by the petitioner/appellant seeking suspension of sentence imposed by the



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Principal Special Court under EC & NDPS Act, Chennai, in C.C.No.168
of 2022, vide judgment dated 23.10.2024.

2.1. It is the case of the prosecution that on information, the Sub-Inspector of Police attached to the respondent along with the other police officials went to the place where the petitioner along with A2 were said to be in possession of ganja for the purpose of selling and the respondent police intercepted the auto in which the petitioner and A2 came and after completing the statutory formalities, they found that the petitioner and A2 were in possession of a white colour bag in which 1.3 kgs. of ganja was found and the samples were also drawn. Thereafter, an FIR in Crime No.1037 of 2021 was registered for the offences under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

2.2. After completion of investigation, the final report came to be filed for the offences under Sections 8(c) r/w. 20(b)(ii)(B), 25 and 29(1) of the NDPS Act and the same was taken up for trial in C.C.No.168 of 2022 on the file of the Principal Special Court under EC & NDPS Act, Chennai. The trial Court, after conducting a full-fledged trial, found the petitioner/accused guilty and, vide impugned judgment dated 23.10.2024 convicted and sentenced him as follows:-



<i>Under Section</i>	<i>Sentence</i>
8(c) r/w. 29(1) of the NDPS Act	Two and a half (2 ½) years rigorous imprisonment and a fine of Rs.25,000/-, in default, to undergo six months rigorous imprisonment.
8(c) r/w. 25 of the NDPS Act	Five years rigorous imprisonment and a fine of Rs.50,000/-, in default, to undergo six months rigorous imprisonment.

2.3 Challenging the same, the petitioner/accused preferred the above appeal in Crl.A.No.211 of 2026 along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner/appellant submitted that the petitioner is A1 and that there are contradictions between the evidence of PW1 and the other members of the team who had conducted search and that the respondent police have not complied with the mandatory requirements under Section 51 of NDPS Act and the documents were also prepared in the police station and other than the police witnesses, no independent witnesses have been examined by the prosecution. He further submitted that the petitioner is only the driver of the Auto bearing Regn.No.TN-04-AR-8980, which was hired by him, in which the second

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accused was travelling along with the contraband and except the alleged confession made by A2, there is no other material available to implicate the petitioner. He further submitted that the entire recovery has been made only from A2 and not this petitioner. Further, this Court, vide order dated 27.11.2024 made in Crl.MP.No.15419 of 2024 in Crl.A.No.1348 of 2024 suspended the sentence imposed on A2. Furthermore, the learned counsel for the petitioner submitted that the petitioner is in prison for the past one and a half years. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the 3rd respondent submitted that the petitioner has not made out any ground for suspension of sentence; and that there are three previous cases pending against the petitioner, out of which, one case has been registered under the NDPS Act, in which, trial has also commenced.



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5. In response, the learned counsel for the petitioner submitted that the said case involves only intermediate quantity and not commercial quantity.

6. Heard the learned counsel on either side and perused the materials on record.

7. On perusal of the records, it is seen that the petitioner was in custody for two months during the investigation stage and was subsequently released on bail during the trial and thereafter, he has been in custody again since 23.10.2024. Considering the fact that the petitioner has raised substantial grounds in the appeal which requires consideration and also considering the period of incarceration and that the contraband seized is not of commercial quantity, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal.

8. Accordingly, the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner/appellant is ordered to be released on bail on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the Principal Special Judge under EC & NDPS Act at Chennai;

(ii) 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; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

9. This criminal miscellaneous petition stands ordered accordingly.

04.03.2026

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1. The Principal Special Court under EC & NDPS Act,
Chennai.
2. The Central Prison I,
Chennai.
3. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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