



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

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

Crl.M.P.No.1961 of 2026
in Crl.A.No.133 of 2026

Palanisamy
S/o.Vengatajalam

..Petitioner(s)

Vs.

State Rep. by, The Inspector of Police,
NIBCID, Salem.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. r/w 430 (1) of BNSS, 2023, seeking to suspend the sentence imposed in Spl.C.C.No.61 of 2021 dated 28.01.2026 passed by the Special Court under EC/NDPS Act, Salem and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mrs.S.Sengkodi

For Respondent(s): Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner / appellant, seeking suspension of sentence, imposed by the Special Court under EC/NDPS Act, Salem vide judgment in Spl.C.C.No.61 of 2021 dated 28.01.2026.



2. The conviction and sentence imposed against the petitioner / appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985	4 years R.I. and a fine of Rs.3,000/-, in default, to undergo 6 months S.I.
25 r/w 20(b)(ii)(B) of NDPS Act, 1985	4 years R.I. and a fine of Rs.2,000/-, in default, to undergo 6 months S.I.

3. Learned counsel for the petitioner / appellant would submit that there are procedural violations by the respondent police and Sections 42, 50 and 57 of NDPS Act have been violated. The trial Court, without taking into consideration of the same, has convicted the accused. Further, there are no independent witnesses to the occurrence and all the witnesses are police officials. He would further submit that the petitioner / appellant has no other case pending against him and the alleged contraband is an intermediate quantity.

4. It is the further submission of the learned counsel for the petitioner/appellant that there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.



5. Learned Government Advocate (Crl. Side) would submit that based on the information received, when the respondent police intercepted and conducted a search, the petitioner / appellant was travelling in a two wheeler and he was found to be in possession of 1.400 Kg of Ganja and the trial Court has rightly taken into consideration the evidence on record and convicted the accused as above. She added that the prosecution has proved the case beyond reasonable doubt and vehemently opposed for grant of suspension of sentence.

6. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant and that the contraband is of intermediate quantity alone, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence is granted, on the following conditions:

- i. The petitioner/appellant shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Special Court under EC / NDPS Act, Salem;



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A.D.JAGADISH CHANDIRA, J.

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- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

8. The Criminal Miscellaneous Petition stands ordered accordingly.

10-03-2026

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Note: Office to issue order copy today

To.

1.The Special Court
under EC / NDPS Act, Salem

2.The Superintendent
Central Prison, Salem

3.The Inspector of Police
NIBCID, Salem

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

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