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Crl.MP.No.3650 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

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

Crl.MP.No.3650 of 2026

in

Crl.A.No.226 of 2026

Azharudeen

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore.
Crime No.765 of 2019.

...Respondent

Criminal miscellaneous petition filed under Section 438 r/w. 430(1) of BNSS, seeking to suspend the sentence imposed by judgment in C.C.No.97 of 2019 dated 09.02.2026 on the file of the Additional District Court/Special Court under EC/NDPS Act, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

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

ORDER

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



Additional District Judge, Special Court under EC/NDPS Act,
Coimbatore, in C.C.No.97 of 2019, vide judgment dated 09.02.2026.

2. The conviction and sentence imposed against the petitioner/
appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
8(c) r/w. 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act	To undergo four years rigorous imprisonment and a fine of Rs.30,000/-, in default, to undergo six months rigorous imprisonment.

3. Learned counsel for the petitioner/appellant submitted that there were statutory violations of the provisions of the NDPS Act during the investigation and that there are material contradictions in the testimony of the official witnesses (police personnel) and that the independent witnesses viz., P.W.4 & P.W.5 have failed to support the prosecution's case. However, without considering any of the above said facts, the trial court, vide impugned judgment dated 09.02.2026, had mechanically convicted the petitioner for the abovesaid offences. He further submitted that the petitioner was in judicial custody for a period of 90 days during investigation and the petitioner has been in prison from the date of judgment ie., 09.02.2026 till date. He also submitted that there are



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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 respondent submitted that the petitioner was in illegal possession of 2.150 Kilograms of Ganja, which is of intermediate quantity. Given the grievous nature of the offence, the trial court, based on the materials available on record and also taking into consideration the prosecution evidence, had rightly convicted the petitioner for the abovesaid offence, which cannot be said to be erroneous. She further submitted that there are five previous cases pending against the petitioner. Hence, she strongly opposed for granting suspension of sentence.

5. In response, the learned counsel for the petitioner submitted that out of the above said five previous cases, three cases ended in acquittal and two other cases are pending in FIR stage only.



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

7. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant 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 Additional District Judge, Special Court under EC/NDPS Act, Coimbatore and on further conditions that:-

(i) The petitioner/appellant 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 Passbooks to ensure their identities.

(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.



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9. This criminal miscellaneous petition stands ordered accordingly.

10. Post the main appeal for hearing in the usual course.

13.03.2026

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To:

1. The Additional District Judge,
Special Court under EC/NDPS Act,
Coimbatore.
2. The Central Prison,
Coimbatore.
3. The Inspector of Police,
Peelamedu Police Station,
Coimbatore.
4. The Public Prosecutor,
Madras High Court.



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