



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

CRL.MP.No. 5576 of 2026

in

Crl.A No. 339 of 2026

Sujanthan
S/o. Chokkalingam
(Refugee No. 1036)
Srilangan Refugee Camp
Kavengari, Puzhal Camp
Chennai.

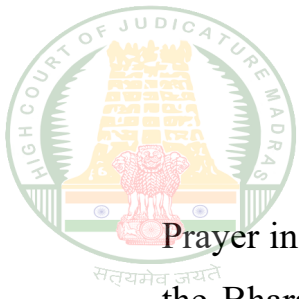
Petitioner/Appellant/
Accused No.3

Vs

Union of India
Represented by its Intelligence Officer
Narcotic Control Bureau
Chennai Zonal Unit
Chennai-90.

..Respondent/
Respondent/Complainant

Prayer in Crl.MP.No. 8560 of 2026: Criminal Miscellaneous Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita 2023, praying to release the petitioner on bail by suspending the sentence appealed against in C.C.No.91 of 202, dated 26.02.2026 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, pending disposal of the above appeal.



Prayer in Crl.A.No. 339 of 2026: Criminal Appeal filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita 2023, praying to call for the records relating to Judgment in C.C.No. 91 of 2020 dated 26.02.2026 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and set aside the same and acquit the Appellant from all charges framed against him.

For Petitioner: Mr.S.Kasirajan

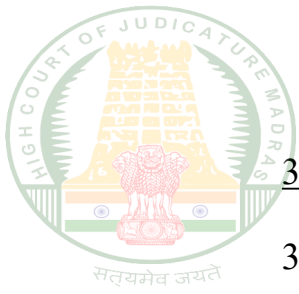
For Respondent: Mr.A.Kumaraguru

ORDER

This Criminal Miscellaneous Petition has been filed for suspending the sentence imposed in the judgment passed in C.C.No.91 of 2020 dated 26.02.2026 by the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act Cases at Chennai.

2.By the impugned Judgment dated 26.02.2026, the Trial Court convicted the Petitioner/Accused A3 and sentenced as follows:

Sl. No.	Sections	Imprisonment	Fine amount
1.	U/s.8(c) r/w 22(c) of the NDPS Act, 1982.	Sentenced to Rigorous Imprisonment for 10 years with a fine of Rs.1,00,000/- (Rupees One Lakh Only) in default to undergo Simple Imprisonment for three months.	Rs.1,00,000/-



3. The brief facts of the case are as follows:-

3.1. A complaint was received on 13.02.2020 from the Narcotics Control Bureau (NCB), based on specific information that A1 and A2 were carrying 5 kilograms of Methamphetamine. Pursuant to the same, arrests were made on 14.02.2020.

3.2. After completion of investigation, the investigating officer filed a charge sheet and the same was taken on file as C.C.No.91 of 2020 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act Cases, Chennai.

3.3. After hearing the counsel on both sides, charges were framed against the accused.

3.4. On the side of the prosecution, PW1 to PW8 were examined and Ex.P1 to Ex.P111 and M.O.1 to M.O.8 were marked. On the side of the defence, neither any witness was examined nor any document marked.

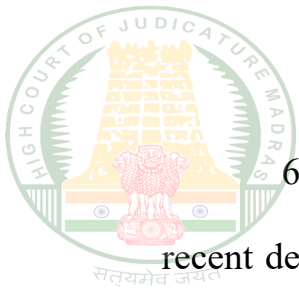
3.5. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant/Accused No.3 guilty of the offences charged and convicted and sentenced him vide judgment dated 26.02.2026.



3.6. The petitioner is the third accused who has been convicted along with other co-accused, namely, A1, A2 and A4 by the Trial Court for the offence under Section 8(c) r/w Section 22(c) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

4. Heard both sides.

5. The petitioner appears to be a Srilankan National who has been in incarceration for a period of six years and four months as of now. The four accused were originally charged for the offence under Section 8(c) r/w Section 29, 8(c) r/w Section 22(c) and Section 8(c) r/w Section 28 of the NDPS Act, on 01.11.2021. Thereafter, the Court altered the charge under Section 8(c) r/w Section 29, 8(c) r/w Section 22(c) of the NDPS Act. The role played by the petitioner is that the petitioner was in the premises along with other accused at the time of seizure of the contraband item i.e., 5 kilograms of Methamphetamine. The challenge to the conviction is primarily on the ground that neither the owner of the house from where the seizure took place on 13.02.2020 nor the supplier has been examined.



6. The learned Counsel for the Petitioner has drawn attention to the recent decision of the Hon'ble Supreme Court in **Narcotic Control Bureau v. Lakhwinder Singh** in Criminal Appeal No.(s).475 of 2025, dated 29.01.2025, wherein the Hon'ble Supreme Court has taken note of the fact that if the Courts start adopting a rigid approach and impose fixed-term sentences, there will be a violation of the rights of the accused under Article 21 of the Constitution of India.

7. While dealing with Section 37 of the NDPS Act, the Hon'ble Supreme Court also observed in the facts of the case that the accused had undergone a substantial part of the substantive sentence, and considering the pendency of the Criminal Appeal, his Appeal is not likely to be heard before the accused had undergone the entire period of sentence. It would amount to a violation of rights under Article 21 of the Constitution of India.

8. There, before the Hon'ble Supreme Court the petitioner was an Indian Citizen. The petitioner herein is a Srilankan Citizen. Article 21 of the Constitution of India is wide enough to apply even to foreigners as stated by the Hon'ble Supreme Court in a *catena* of decisions, and more recently held in the case of **The Customs vs. Faridah Nakanwagi** in SLP.Crl.No.2725 of 2026, dated 18.03.2026.

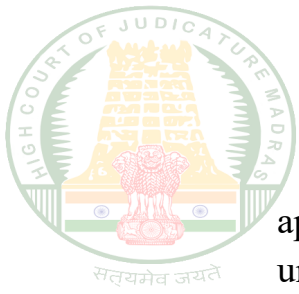


9. Considering the fact that the petitioner herein has been kept in incarceration over a period of six years and one month and has undergone more than 50% of substantive punishment of ten years, and considering the fact that the appeal will not be taken up immediately for final hearing before the entire period of sentence is completed by the petitioner, I am inclined to suspend the sentence awarded by the trial Court considering the fact that the petitioner was detained in the Detention Refugee Camp, subject to the petitioner being kept in the Detention Refugee Camp, Puzhal, Chennai.

10. In view of the above, the sentence of imprisonment is suspended and the Petitioner/Accused No.3 is to be enlarged on bail and kept in Detention Refugee Camp, Puzhal, Chennai. Accordingly, pending disposal of the appeal, the sentences are suspended and the Petitioner/Appellant/Accused No.3 are enlarged on bail, subject to the following conditions:-

(i) The petitioner/Appellant/Accused No.3 shall execute a 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 learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act cases at Chennai.

(ii) The Petitioner/Appellant/Accused No.3 and the sureties shall affix their photographs and Left Thumb Impressions 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/Appellant/Accused No.3 shall appear before the trial Court on every Monday at 10.30 a.m., until further orders, without fail;

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11. Accordingly, this Criminal Miscellaneous Petition is ordered. It is open for the petitioner to return to Sri Lankan and report back to the Srilankan authorities.

12. List the main case on 02.09.2026 for further hearing. Meanwhile, the Registry is directed to call for the records from the concerned court.

16-06-2026

Neutral Citation: Yes/No

MSM

To

1. The I Additional Special Court for
Exclusive Trial of Cases under NDPS Act Cases,
Chennai.
2. The Intelligence Officer
Union of India
Narcotic Control Bureau
Chennai Zonal Unit, Chennai-90.
3. The Superintendent
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN, J.

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