



Crl.M.P.No.5330 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM:

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

Crl.M.P.No.5330 of 2026
in Crl.A.No.320 of 2026

Sharukhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mudaliarpet Police Station,
Puducherry.
(Crime No.212 of 2023)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed on the petitioner/appellant in C.C.No.6 of 2024 dated 11.02.2026 passed by the Special Judge (Under NDPS Act) (III Additional Sessions Judge), Puducherry, and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)
Assisted by Mr.M.Thamizhmani

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Special Judge (Under NDPS Act) (III Additional Sessions Judge), Puducherry, in C.C.No.6 of 2024, vide judgment dated 11.02.2026.



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

2.1. On 26.11.2023, the respondent police and his team found the accused in illegal possession of 45 kilograms of dried ganja leaves, intended for sale to the public.

2.2. The accused were arrested and the contraband was seized. After returning to the respondent police station, the respondent police registered a case in Crime No.212 of 2023 for the offences under Sections 20(b)(ii)(C) r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, against the accused on the same day.

2.3. After completion of investigation, the investigating officer filed a charge sheet and the same was taken on file as C.C.No.6 of 2024 on the file of the III Additional Sessions Court (Under NDPS Act), Puducherry.

2.4. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.

2.5. On the side of the prosecution, PW1 to PW7 were examined and Ex.P1 to Ex.P10 and M.O.1 to M.O.11 were marked. On the side of the defence, neither any witness was examined nor any document marked.



2.6. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant (A3) and others guilty of the offences charged and convicted and sentenced him vide judgment dated 11.02.2026 as follows:-

<i>Under Section</i>	<i>Sentence</i>
20(b)(ii)(C) r/w 8(c) of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo one year simple imprisonment.
29 of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

3.1. There has been no proper compliance of Section 42(1) of the NDPS Act and the trial Court failed to take into consideration the said non-compliance.

3.2. Though the Inspector of Police/LW2 claims that he had intimated about the case to his superior officer and received authorization from him, the authorization letter dated 26.11.2023, Ex.P5, does not contain any dispatch number which would go to show that the documents were prepared only for the purpose of this case.



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3.3. Though 23 bundles are said to have been recovered from the petitioner and other accused, sampling was not done individually in all the bundles and thereby, the procedure of sampling is vitiated.

3.4. There are arguable points available 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.

3.5. The petitioner/appellant was granted bail during trial and he has not misused the liberty granted to him and he has no bad antecedents and hence, the sentence imposed on him may be suspended and he may be enlarged on bail.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent submitted as follows:

4.1. It is the case where the petitioner/appellant (A3), along with seven other accused, was found to be in illegal possession of 45 kilograms of ganja contained in 23 bundles.

4.2. The sampling has been properly done by the respondent and the trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated



above. Hence, the petition seeking suspension of sentence may be dismissed.

5. Heard the learned counsel for the petitioner/appellant and the learned Public Prosecutor (Puducherry) appearing for the respondent and perused the materials on record, including the counter filed by the respondent police.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner/appellant, this Court is inclined to grant the reliefs of suspension of sentence and bail. Accordingly, pending disposal of the appeal, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is enlarged on bail, subject to the following conditions:-

“(i) The petitioner/appellant shall execute 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 Special Judge, (Under NDPS Act) (III Additional Sessions Judge), Puducherry;

(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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7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

27.04.2026

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To

1. The Special Judge (Under NDPS Act)
(III Additional Sessions Judge),
Puducherry.
2. The Inspector of Police,
Mudaliarpur Police Station,
Puducherry.
3. The Superintendent,
Central Prison,
Puducherry.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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