



WEB COPY



CRL.MP.No.5385 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM

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

CRL.MP.No.5385 of 2026
in CRL.A.No.324 of 2026

M.Rama Siva

..Petitioner(s)

Vs.

Union of India through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(2) of BNSS, praying to release the petitioner on bail by suspending the sentence of appeal against the impugned judgment in C.C.No.38/2020 dated 01.12.2025 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under EC & NDPS Act, Chennai, pending disposal of the Criminal Appeal.

For Petitioner : Mr.G.Murugendran

For Respondent : Dr.D.Simon,
Senior Central Government Standing Counsel
(NCB)



WEB COPY



CRL.MP.No.5385 of 2026

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under EC & NDPS Act, Chennai, in C.C.No.38/2020 vide judgment dated 01.12.2025 and to enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The petitioner/appellant was convicted for the offence under Section 8(c) r/w. 20(b)(ii)(C) of the NDPS Act and was sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for 3 months. The period of incarceration already undergone was ordered to be set off under Section 428 Cr.P.C. Aggrieved by the same, he filed the Criminal Appeal before this Court along with the instant Criminal Miscellaneous Petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner/A1, along with A2, was found to be in possession of 187.300 Kgs. of Ganja, when the respondent Police intercepted their vehicle near Karanodai Toll Plaza, while they were transporting the said contraband and thus, committed the aforesaid offences.



4. Mr.G.Murugendran, learned counsel for the petitioner/appellant submitted that the car driven by the petitioner/appellant belonged to A3, who is currently absconding. He further submitted that the car had been hired by A2, who engaged the petitioner/appellant as a call driver for a nominal payment of Rs.5,000/-; beyond his role as the driver for A2, the petitioner/appellant has no involvement in the alleged offence. He also submitted that the alleged contraband was recovered from the boot of the car, outside the petitioner/appellant's knowledge. Furthermore, the sole independent witness (P.W.5), failed to support the prosecution's narrative and was subsequently treated as hostile. He further submitted that despite the prosecution's claim that the vehicle crossed the Karanodai Toll Bridge, the respondent Police failed to recover or produce the relevant CCTV footage from the toll plaza to corroborate this movement. The learned counsel further 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 that the petitioner/appellant has a fair chance of succeeding in the appeal. He further submitted that the co-accused (A2) has been granted bail by this Court vide order dated 04.02.2026 passed in Crl.M.P.No.24399 of 2025 and hence, the sentence imposed on the petitioner/appellant may also be suspended and he may be enlarged on bail.



CRL.MP.No.5385 of 2026

WEB COPY

5. Dr.D.Simon, the learned Senior Central Government Standing Counsel (NCB), appearing for the respondent, vehemently opposed the prayer for suspension of sentence by stating that the petitioner/appellant, along with A2, was found in possession of a huge quantity of Ganja and since he has committed a heinous crime, the sentence may not be suspended and the appeal may be taken up for final hearing. He further submitted that the petitioner/appellant was granted bail pending trial.

6. At this juncture, the learned counsel for the petitioner/appellant submitted that though the petitioner/appellant was granted bail during trial, he did not misuse the liberty granted to him during that period and no other case is pending against him.

7. Heard the learned counsel for the petitioner/appellant and the learned Senior Central Government Standing Counsel (NCB) for the respondent and perused the materials on record.



WEB COPY

8. Admittedly, the petitioner/appellant has been in custody from 24.10.2019 and has served almost two-thirds of the period of sentence imposed. The appeal is not likely to be taken up in the near future. The Hon'ble Supreme Court in the judgment rendered in ***Narcotic Control Bureau V. Lakhwinder Singh*** reported in ***(2025 SCC Online SC 366)*** has held at Paragraph No.7 as follows:

“7.There is no dispute about the fact that the Appellate Court is bound by constraints of Section 37 of the NDPS Act while considering the prayer for the grant of bail during the pendency of an appeal. However, if, in the facts of the case, an accused has undergone a substantial part of the of substantive sentence and, considering the pendency of criminal appeals, his appeal is not likely to be heard before the accused undergoes the entire sentence, the Appellate Court can exercise the power of releasing the accused on bail pending the appeal. If the relief of bail is denied in such a factual situation only on the grounds of Section 37 of the NDPS Act, it will amount to the violation of the rights of the accused under Article 21 of the Constitution of India.”



9. Considering the period of incarceration of the petitioner/appellant, the judgment of the Hon'ble Supreme Court, cited *supra* and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the reliefs of suspension of sentence and bail to the petitioner/appellant.

10. Accordingly, this Criminal Miscellaneous Petition stands ordered and the sentence imposed on the petitioner/appellant is suspended till the disposal of the Criminal Appeal and the petitioner/appellant is ordered to be released on bail on the following conditions:

(i) The petitioner shall pay a fine of Rs.50,000/- (Rupees Fifty Thousand only) besides executing a bond for a sum of Rs.25,000/-, (Rupees Twenty Five Thousand only) with two sureties, one of which shall be a blood relative, each for a like sum to the satisfaction of the learned Special Judge, I Additional Special Court for Exclusive Trial of cases under EC & NDPS Act, Chennai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial



CRL.MP.No.5385 of 2026

Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders 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 his absence, as directed by the Trial Court.

20.04.2026

Sni

Note : Issue Order Copy on 21.04.2026



WEB COPY



CRL.MP.No.5385 of 2026

A.D.JAGADISH CHANDIRA, J.

Sni

To

1.The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

2.The Special Judge,
I Additional Special Court for Exclusive Trial
of cases under EC & NDPS Act, Chennai.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

CRL.MP.No.5385 of 2026
in CRL.A.No.324 of 2026

20.04.2026

Page8 of 8