



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HON'BLE MR JUSTICE C. SARAVANAN

CRL MP No. 6585 of 2026

in

Crl.A.No.441 of 2026

1. Thamimul Ansari @ Asar @ Asarudeen
S/o Cirazudeen,
Labby Line, Thakka Street,
Villupuram, Tamil Nadu.
2. Manoj Kumar
S/o Ezhumalai,
No.14, Mariamman Kovil Street,
Chithapattinam, Manalurpettai,
Kallakurichi District.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Mudaliarpur Police Station,
Puducherry.
Crime No.212 of 2023

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence of imprisonment imposed in the judgment dated 11.02.2026 made in Spl.SC.No.6 of 2024 on the file of the Ld.Special Court (under NDPS act)(III Additional Sessions Court), Puducherry and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.



For Petitioner(s): Mr. C. Harish

For Respondent(s): Mr.A.Alexander,
Govt. Advocate(Pondy)

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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 Spl.SC.No.6 of 2024, vide judgment dated 11.02.2026.

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

2.1. On 26.11.2023, the respondent police and his team found that the petitioner along with others were 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) and 29 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 Spl.S.C.No.6 of 2024 on the file of the III Additional Sessions Court (Under NDPS Act), Puducherry.

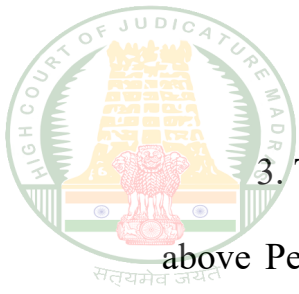


2.4. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.

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 was marked.

2.6. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioners/appellants (A2 and A5) and others guilty of the offences charged and convicted and sentenced him vide judgment dated 11.02.2026 as follows:-

<i>Accused</i>	<i>Under Sections</i>	<i>Sentence</i>
A2	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 under go one year simple imprisonment.
A5	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 under go one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		



3. The learned counsel for the Petitioner submits that the Petitioners in the above Petitions are the 2nd and 5th Accused, who have been convicted for the offence under Sections 20(b)(ii)(C) r/w 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that already the 3rd and 4th accused have been granted interim relief by two separate orders dated 27.04.2026 in Crl.MP.No.5330 of 2026 in Crl.A.No.320 of 2026 and vide order dated 09.06.2026 in Crl.MP.No.6455 of 2026 in Crl.A.No.437 of 2026. Hence, prays for suspension of the sentence for these two Petitioners/Appellants.

4. The learned Government Advocate (Puducherry) has raised serious objections particularly against the 1st Petitioner/ Appellant/2nd accused, as he has several cases pending against him.

5. On a specific query to the learned Government Advocate (Puducherry) appearing for the Respondent Police, as to whether the 2nd Petitioner/Appellant- 5th Accused has any history of previous cases, the answer forthcoming is the 2nd Petitioner/Appellant- 5th Accused has no history of previous criminal cases against him.

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

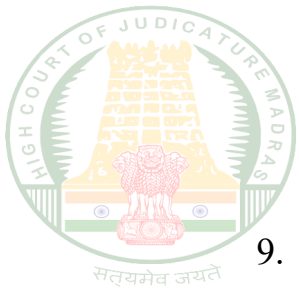


7. There are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future. The Petitioners/Appellants appears to have a fair chance to succeed in the above appeal. The fine amount has been also paid by the petitioners/appellants.

8. 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 already undergone by the 2nd Petitioner/Appellant- 5th Accused and the substantive sentence of imprisonment in respect of co-accused/A3 and A4 have already been suspended by this Court vide order dated 27.04.2026 in Crl.MP.No.5330 of 2026 in Crl.A.No.320 of 2026 and Crl.MP.No.6455 of 2026 in Crl.A.No.437 of 2026, this Court is inclined to follow the same 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 2nd Petitioner/Appellant- 5th Accused is enlarged on bail, subject to the following conditions:-

“(i) The 2nd Petitioner/Appellant- 5th Accused 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 2nd Petitioner/Appellant- 5th Accused shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders;



9. Accordingly, the Criminal Miscellaneous Petition stands ordered as against the 2nd Petitioner/Appellant/A5. In so far as the 1st Petitioner/Appellant/A2 stands dismissed, since he has several cases pending against him.

22-06-2026

VV

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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CRL MP No. 6585 of 2



C.SARAVANAN, J.

VV

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