



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

CRL MP No. 6455 of 2026

in

Crl.A.No.437 of 2026

Rajivgandhi
S/o.Ezhumalai,
Veera Iyyanarkoil Street,
Thayanoor, Kandachipura Taluk,
Villupuram, Tamilnadu.

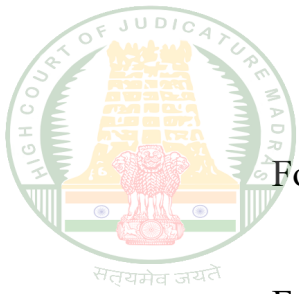
..Petitioner(s)

Vs

The State rep by its, The Inspector of Police,
Mudaliarpur Police Station,
Puducherry.
Cr.No.212 of 2023

..Respondent(s)

Prayer: Criminal Petition is filed under Section 430(1) of BNSS, to suspend the sentence and bail imposed in Spl.S.C.No.6/2024 dated 11.02.2026 (On the file of the Special Judge, (Under NDPS Act) (III Additional Sessions Judge) at Puducherry and enlarge the petitioner on bail, pending disposal of the above Crl.Appeal on the file of this Honble Court and thus render justice.



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For Petitioner(s): Mr.R.Sankarasubbu
Assisted by Mr.R.Thiyagu

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

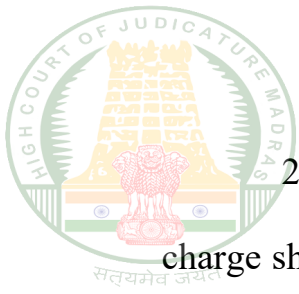
ORDER

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.



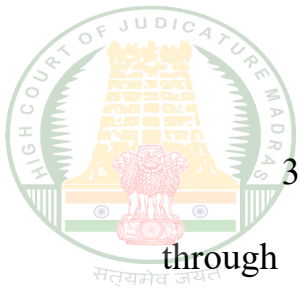
2.3. After completion of investigation, the investigating officer filed a charge sheet and the same was taken on file as Spl.S.C.No.6 of 2024 on the file of the III Additional Sessions Court (Under NDPS Act), Puducherry.

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 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.	

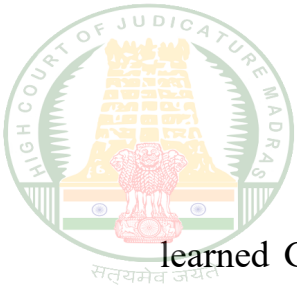


3. The learned counsel for the Petitioner Mr.S.Sankarasubbu appears through video conferencing and submits that there are several procedural infirmities in the conduct of the investigation particularly under Sections 42 and 50 of NDPS Act, 1985.

3.1. The learned counsel also submits that A3 has already been given relief by this Court vide order dated 27.04.2026 in Crl.MP.No.5330 of 2026 in Crl.A.No.320 of 2026.

3.2 The learned counsel further submitted that 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. On a specific query to the learned Government Advocate (Puducherry) appearing for the respondent police as to whether the petitioner was involved in any other crime or has any history of being involved in any other criminal case, the answer forthcoming is the petitioner has no history of any criminal case against him.



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

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 and the substantive sentence of imprisonment in respect of co-accused/A3 has 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, 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 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;



7. Accordingly, the Criminal Miscellaneous Petition stands
ordered.

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09.06.2026

Vv

To

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



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C.SARAVANAN, J.

VV

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