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CRL MP No. 8265 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

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THE HON'BLE MR JUSTICE C. SARAVANAN

CRL MP No. 8265 of 2026

in

CRL A No. 608 of 2026

S.Ramadas
S/o. P. Somasundaram,
Proprietor of M/s. Essar Pharm Sale,
No.52, Market Street, Arianakupam, Pondicherry.
Residing at
No.29/12, Renganathan Nagar,
Beach Road, Cuddalore - 607 001.

..Petitioner(s)

Vs

State By, The Intelligence Officer,
Narcotic Control Bureau,
South Zone, Chennai.
(NCB F.No.48/1/7/2003-NCB/MDS)

..Respondent(s)

Criminal Miscellaneous Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023, praying to suspend the sentence
imposed upon him by the Learned III Additional Sessions Judge, Puducherry
made in Spl.C.C.No.2 of 2003 by its judgment dated 15.04.2026 and enlarge the
petitioners on bail pending disposal of the above appeal on the file of this Court.

For Petitioner : Mr. K. Balu

For Respondent : Mr. A. Kumaraguru,
Special Public Prosecutor

**ORDER**

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Heard the learned counsel for the Petitioner/Appellant and the learned Special Public Prosecutor appearing for the Respondent.

2. This Criminal Miscellaneous Petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking suspension of sentence pursuant to the conviction and sentence imposed on the Petitioner by the learned III Additional Sessions Court, Puducherry in Spl.C.C.No.2 of 2003 vide Judgement dated 15.04.2026.

3. By the impugned Judgment, the Trial Court found the Petitioner guilty of the following offences and imposed the following sentences:

S. No.	Conviction	Sentence
1	Offence under Section 9A r/w 25A of NDPS Act, 1985	To undergo Rigorous Imprisonment for five (5) years and to pay a fine of Rs.50,000/-, in default to undergo Simple Imprisonment for six (6) months
2	Offence under Section 27A of NDPS Act, 1985	To undergo Rigorous Imprisonment for ten (10) years and to pay a fine of Rs.1,00,000/-, in default to undergo Simple Imprisonment for one (1) year

4. Aggrieved by the said conviction, the Petitioner/Appellant has preferred the above Criminal Appeal along with the present Criminal Miscellaneous Petition.

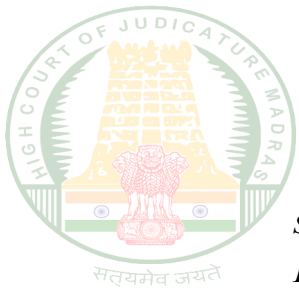


5. The case of the prosecution before the Trial Court was that the Petitioner had dealt with illegal diversion of “Ephedrine HCL”, a controlled substance, without following the procedure prescribed under the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 1993. The same has been notified in the Gazette of India as follows:

“Ephedrine, its salts and preparations thereof, as included in Schedule A of the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 2013, issued under Section 9A of the NDPS Act, 1985.”

6. It is notice that apart from the Petitioner/Accused (A1), there were three other accused, namely, A2, A3 and A4. The occurrence is alleged to have been taken place on 05.06.2003. According to the prosecution, A2 played the role as a distributor, A3 as a transporter, and A4 as a financier. There is no dispute that the proceedings against the other accused have come to an end. A2 was discharged by this Court, in the course of proceedings, while the complaints against A3 and A4 were quashed by this Court, in exercise of its powers under Section 482 of Cr.P.C., in Crl.O.P. Nos.6565 and 10280 of 2022, vide order dated 28.08.2023.

7. In the charge sheet filed before the Trial Court, on 03.01.2025, while questioning of the accused under Section 9A r/w Section 25A of Narcotic Substances Act, A1 had deposed as under:-



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“In as much as you A1 had procured Ephedrine under seizure, which was financed, by A. Balamurugan (A4) and Kannan (A2) had assisted you A1 in transporting the said contraband under seizure from Pondicherry to Chennai. ”

8. *Prima facie*, it is seen that the Petitioner cannot be found guilty of the offence under Section 27A of the NDPS Act. Possibly, the case against the Petitioner, offence under Section 9A r/w 25A of the NDPS Act appears to have been made out. The punishment imposed on the Petitioner for the said offence is Rigorous Imprisonment for five (5) years along with Rs.50,000/- fine amount.

9. The case also warrants a consideration regarding the correctness of the conclusion arrived by the Trial Court, to convict the Petitioner /Accused – Appellant for the above offences and sentence imposed on the Petitioner/Accused - Appellant.

10. Considering the overall facts and circumstances of the case and the age of the Petitioner as on date, I am inclined to grant interim suspension of sentence pending disposal of the appeal, subject to the Petitioner depositing the fine amount imposed by the Trial Court and subject to other conditions.

11. Therefore, pending disposal of the present Criminal Appeal, the substantive sentence of imprisonment imposed by the learned Trial Judge is



alone suspended. The Petitioner/Appellant shall be enlarged on bail, subject to the following conditions:

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(a) The Petitioner/Appellant is ordered to be released on executing 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 III Additional Sessions Judge, Puducherry;**

(b) The Petitioner/Appellant and the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

(c) **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 the disposal of the Criminal Appeal** and if the Petitioner/Appellant is not able to appear before the trial Court on any such day, he shall make arrangements to file an application under Section 355 of the BNSS 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.

12. With the above directions, this Criminal Miscellaneous Petition is ordered.

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12-06-2026
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C.SARAVANAN, J.

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To

1. The III-Additional Sessions Court, Puducherry.
2. The Intelligence Officer, Narcotic Control Bureau, South Zone, Chennai.
3. The Superintendent of Police, Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor, Puducherry.

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