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Crl.M.P.No.15984 of 2025
in Crl.A.No.1306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15984 of 2025
in Crl.A.No.1306 of 2025

Anbu

... Petitioner /Appellant

Vs.

State by
The Inspector of Police,
NIB-CID, Police Station,
Villupuram,
(Crime No.26 of 2022)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence imposed on the petitioner herein by the learned Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram made in Special Case No.5 of 2025 dated 28.07.2025, convicting the Appellant/Accused herein for the alleged offence under Section 8(c)r/w section 20(b)(ii)(B) of the NDPS Act and sentencing him to undergo rigorous imprisonment for a term of five (5) years and to pay a find of Rs.50,000/- (Rupees Fifty Thousand only) and in default to undergo rigorous imprisonment for further period of one year and the imprisonment already undergone by the Accused shall be set off under Section 428 Cr.P.C and enlarge him on bail pending disposal of the above Appeal.



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For Petitioner : Mr.A.Murugavel
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 28.07.2025 passed in Spl.Case No.5 of 2025 by the learned Special Court for Trial of NDPS ACT Case, Villupuram, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.Case.No.5 of 2025 was convicted by the Trial Court by judgment dated 28.07.2025, for the offences under Section 8(C)r/w 20(b)(ii)(B) of the NDPS Act and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo one year rigorous imprisonment for the offence under Section 8(C)r/w 20(b)(ii)(B) of the NDPS Act. Aggrieved by the same, he filed Crl.A.No.1306 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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3.The case of the prosecution is that the petitioner was found in possession of 1.400 Kilograms of ganja, when he was intercepted by the respondent on secret information and thus, committed the aforesaid offences.

4.The learned counsel for the petitioner would submit that the seizure from the petitioner cannot be believed; that there is no independent witness examined; that the respondent have not followed the mandatory provisions under the NDPS Act; and that considering the period of incarceration, the sentence imposed on the petitioner may be suspended.

5.The learned Government Advocate(Crl. Side) per contra submitted that the petitioner is involved in 13 other cases, of which, 9 are under the NDPS Act; that the petitioner is an habitual offender; and that hence, he is not entitled to the relief of suspension of sentence. The respondent has also filed a counter to that effect.

6.It is seen from the counter that out of the 13 cases filed against the petitioner, 9 cases have been registered for possession of small quantity of narcotic substances, in the year 2018, 2019 and 2020. In that, except for two cases, the other cases have not been taken on file so far. As regards the



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remaining three cases, they have been filed under the Prohibition Act and under Sections 380 and 270 of IPC, of which, two have been referred and one is yet to be taken on file.

7.Considering the above facts and the fact that the petitioner is in custody from 28.07.2025 and since the appeal is not likely to be taken in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram;
- (ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and



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(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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.

03.02.2026

Tsg

Note: Issue order copy on 04.02.2026

To

- 1.The Special Court for Trial of Narcotic Drugs
and Psychotropic Substances Act Cases, Villupuram.
- 2.The Superintendent,
Central Prison, Cuddalore.
- 3.The Inspector of Police,
NIB-CID, Police Station,
Villupuram,
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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