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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.18692 of 2026
in
Crl.A.No.1212 of 2026

Ajay
S/o. Venkatesh,
Mariyamman Kovil Street,
Nallavur Village,
Vanur Taluk,
Villupuram District.

...Petitioner/Appellant/
Accused

Vs

State rep. by,
The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
Cr.No.538 of 2024.

...Respondent/
Respondent/Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023, praying to suspend the sentence imposed on the petitioner sentence passed by the Honble Special Judge, Special Court for Trial of NDPS Act cases, Villupuram vide Spl.C.No.26 of 2025 dated 31.08.2026 and release him on bail pending disposal of the main criminal appeal.

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For Petitioner: Mr.R.Raghul

For Respondent: Ms.Sharada Vivek
Additional Public Prosecutor

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.C.No.26 of 2025 by the learned Special Judge, Special Court for EC/NDPS Act Cases, Villupuram, holding the petitioner guilty of the offence under Section 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "***the NDPS Act***") and sentencing him to undergo 7 years RI and to pay a fine of Rs.1,00,000/- in default to undergo SI for a period of six months for the aforesaid offence.

2. Aggrieved by the same, the petitioner has preferred Crl.A.No.1212 of 2026 before this Court along with the instant criminal miscellaneous petition.

3. The case of the prosecution is that on secret information that the accused was in possession of contraband, the accused standing in a

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suspicious manner, was intercepted, a search was conducted, and 1.100 kg of ganja was seized from his bike seat compartment. Therefore, a complaint has been registered, and after concluding the trial, the petitioner was found guilty as stated above.

4. The learned counsel for the petitioner would submit that the impugned Judgment is liable to be set aside; that the contraband was sent to the Court with huge delay; and that the mandatory provision under Section 57 of the NDPS Act has not been complied with inasmuch as P.W.8 had admitted that the Section 57 report does not bear a date. The learned counsel for the petitioner also submitted that considering the fixed sentence of imprisonment, the sentence may be suspended pending disposal of the criminal appeal.

5. The learned Additional Public Prosecutor, for the respondent, would submit that the prosecution has established its case beyond reasonable doubt; that the petitioner is a habitual offender, and there are three previous cases against the petitioner: one registered under Section 20(b)(ii)(A) of the NDPS Act, the second one under Sections 294(b) of

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IPC and 7(1)(a) of the Criminal Law Amendment Act, and the third one under Sections 294(b), 324, 307, and 506(ii) of the IPC.

6. It is seen from the counter that out of the three previous cases, the petitioner has been acquitted in one case registered under Section 294(b) of the IPC and Section 7(1)(a) of the Criminal Law Amendment Act.

7. The petitioner is in custody from 31.08.2026. The petitioner has raised substantial grounds in the above appeal, which requires consideration. The appeal is not likely to be taken up in the near future. Considering all the above facts and since a fixed sentence of imprisonment has been imposed on the petitioner, 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:

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(a).The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court for EC/NDPS Act Cases, Villupuram;

(b).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

(c).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.

03-11-2026

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Note : Issue order copy today.

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To

1. The Special Judge,
   Special Court for Trial of NDPS Act Cases,
   Villupuram.

2. The Central Prison,
   Cuddalore.

3.The Inspector of Police,
Kiliyanur Police Station,
Villupuram district.

4. The Public Prosecutor,
   High Court of Madras.

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Order QR

SUNDER MOHAN, J.

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