



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP Nos. 20220 of 2025 and 4409 of 2026

in

CRL A Nos.1667 of 2025 and 255 of 2026

CRL MP Nos. 20220 of 2025:

D.Saluka Korah

..Petitioner(s)

Vs

State represented by,
The Inspector of Police,
Railway Police Station Katpadi.

..Respondent(s)

CRL MP No. 4409 of 2026

Tikal Samad

..Petitioner(s)

Vs

The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
Crime No.93/2022

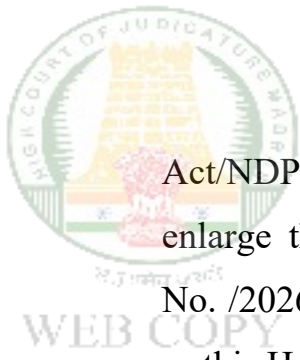
..Respondent(s)

CRL MP No. 20220 of 2025

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed by the Honble Special Judge for EC/NDPA Act Cases, at Salem in Spl.CC.No.105/2022, dated 20/12/2024, pending disposal of the main Criminal Appeal and enlarge the petitioner on bail and thus render justice.

CRL MP No. 4409 of 2026

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed by the Learned Special Court under EC



Act/NDPS Act Cases at Salem in SPL.CC.No.105/2022 dated 20.12.2024 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal No. /2026 on the file of this Honble Court and pass such further or other order as this Honble Court may deem fit and proper in the above stated circumstances and thus render justice.

Appearance in CRL MP No. 20220 of 2025

For Petitioner(s): Mr.D.Raja
For Respondent(s): Ms.J.R.Archana, GA(Crl. Side)

Appearance in CRL MP No. 4409 of 2026

For Petitioner(s): Mr.M.Mohammed Saifulla
For Respondent(s): Ms.J.R.Archana, GA(Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners seeking suspension of sentence imposed by the learned Special Judge for EC/NDPS Act Cases, Salem, in Spl.CC.No.105/2022, vide judgment dated 20.12.2024, and to enlarge the petitioners/appellants on bail, pending disposal of the main Criminal Appeals.

2.The conviction and sentence imposed against the petitioners, vide impugned judgment is as follows:-

<i>Under Section</i>	<i>Sentence</i>
u/s.8(c) r/w. 20(b)(ii)(B), of NDPS Act	To undergo 5 (five) years of rigorous imprisonment and pay a



WEB COPY

	fine of Rs.10,000/- , in default, to undergo three months of simple imprisonment.
--	---

3.Learned counsel for the petitioners submitted that the petitioners were arrested on 21.08.2022 and have been in continuous judicial custody for more than three years and seven months, thereby completing a substantial portion of the five-year sentence imposed by the trial court. They further submitted that there are several arguable points in the criminal appeal, particularly regarding the absence of common intention or nexus between the accused. They also contended that nothing has been placed on record by the prosecution to show that the petitioners shared a common intention or had any prior connection with each other. They further submitted that the appeals are unlikely to be taken up for final hearing in the near future and the petitioners have a fair chance of succeeding, and hence, the sentence imposed on the petitioners may be suspended and the petitioners/appellants may be enlarged on bail.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of suspension of sentence stating that the petitioners, along with other accused, were found in possession of a total quantity of 11.60 kg of Ganja. She further contended that while the individual amounts found with each petitioner varied, the trial court correctly took into consideration the total quantity recovered from them together as a whole. She



submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioners/appellants guilty and convicted and sentenced them as stated at paragraph no.2, supra.

5.Heard the learned counsel on either side and perused the materials on record.

6.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners that they have been incarcerated for a substantial period, which is more than 50% of the sentence imposed by the trial court, and that the quantity involved is intermediate in nature, this Court is inclined to grant the relief of suspension of sentence to the petitioners, till the disposal of the criminal appeals, on certain conditions.

7.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners/appellants are ordered to be released on bail on each executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem and on further conditions that:-

(i) The petitioners/appellants and the sureties shall affix



WEB COPY

their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioners/appellants shall appear before the trial Court every day at 10.30 a.m. until further orders, and if they are not able to appear before the trial court on any day, they shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial court.

8. These criminal miscellaneous petitions stand ordered accordingly.

SHA

27-03-2026



WEB COPY

CRL MP No. 20220 of 2



A.D.JAGADISH CHANDIRA J.

SHA

To

1.The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.

2.The Special Judge for EC/NDPS Act Cases,
Salem.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
Madras High Court.

**CRL MP Nos. 20220 of 2025 and 4409 of 2026
in
CRL A Nos.1667 of 2025 and 255 of 2026**

27-03-2026