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CRL MP No. 22227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 22227 of 2025

and

CRL A No. 1789 of 2025

Ganesh

...Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Singanallur Police Station,
Coimbatore.

Crime No.931 of 2016

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) Cr.P.C r/w 430(1) of BNSS, to suspend the sentence imposed by the learned Additional District Judge/Special Court under EC Act/NDPS Act cases at Coimbatore in C.C.No.93 of 2018 dated 24.10.2025 and enlarges the petitioner on bail pending disposal of the said criminal appeal.

For Petitioner(s): Mr.M.Mohamed Saifulla

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the learned Additional District Judge, Special Court under EC Act/NDPS Act cases, Coimbatore in C.C.No.93 of 2018 dated



24.10.2025 pending disposal of the above criminal appeal.

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2. The petitioner/Accused in C.C.No.93 of 2018 was convicted by the Trial Court by judgment dated 24.10.2025 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act and sentenced to undergo four years rigorous imprisonment and directed to pay a fine of Rs.20,000/-, in default, to undergo six months simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.1789 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner was found in possession of 1.10 kg of Ganja, when he was intercepted and searched by the respondent on secret information and thus committed the offence.

4. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has raised substantial grounds in the above appeal; that no independent witnesses were examined by the prosecution to prove its seizure; and that since the petitioner is in custody from 24.10.2025, the sentence of imprisonment may be suspended.

5. The Government Advocate (Crl. Side) for the respondent has filed



counter affidavit stating that the petitioner is involved in several cases and that, since he is a habitual offender, the petitioner is likely to abscond.

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6. In response, the learned counsel for the petitioner would submit that except one or two cases, all the cases have been disposed of and minimum sentences have been imposed and that in some cases, fines have been imposed.

7. On perusal of the counter affidavit filed by the respondent, it is seen that in most of the cases, the petitioner has either been acquitted or convicted and sentenced to pay fine. Two cases are pending trial. In two other cases, the final reports are yet to be filed. The petitioner has raised substantial grounds in the above appeal, which requires consideration. The petitioner has been in custody from 24.10.2025. Since the appeal is not likely to be taken up in the near future, and since a fixed period of sentence has been imposed, 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/-



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with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge / Special Court under EC & NDPS Act cases at Coimbatore;

- (ii) The petitioner shall pay the fine amount at the time of execution of the sureties.
- (iii) 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
- (iv) 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.

06-02-2026

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SUNDER MOHAN J.

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To

1. The Special Court under EC Act/NDPS Act cases, Coimbatore

2. The Inspector of Police,
Singanallur Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court of Madras, Madras.

4. The Central Prison, Coimbatore

CRL MP No. 22227 of 2025
and
CRLA No. 1789 of 2025

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