



Crl.M.P.No.24045 of 2025
in Crl.A.No.237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24045 of 2025

in

Crl.A.No.237 of 2025

Ajaykumar Dey

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
Crime No.262 of 2022

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence imposed the judgment dated 30.12.2024 passed in Special Case No.47 of 2023 on the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram, and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.K.Sudhakar

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 30.12.2024 passed in Special Case No.47 of 2023 by the learned Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.

2. The petitioner/Accused in Special Case No.47 of 2023 was convicted by the Trial Court by judgment dated 30.12.2024, for the following offence:

Conviction under Section	Sentence awarded
8(c) r/w 20(b)(ii)(B) of NDPS Act	To undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/-.

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.237 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that, based on secret information, the petitioner along with A2 and A3 was intercepted by the respondent police. On seeing the police, they attempted to flee from the spot by dropping the bags in their possession. The respondent apprehended them and seized 5.4 kgs of

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Ganja Chocolate along with other tobacco products from the petitioner.

5. The learned counsel for the petitioner would submit that the seizure is highly doubtful; that the respondent has not complied with the mandatory provisions under Section 50 of the NDPS Act; that the petitioner and the other accused are admittedly North Indians and are not aware of the Tamil language; that a joint notice was issued under Section 50; and that though the alleged contraband is said to have been carried in three bags, no bag was seized by the respondent. Considering these infirmities, it is submitted that the sentence may be suspended.

6. Heard the learned Government Advocate (Crl. Side) and perused the counter affidavit available on record.

7. It is seen that the sentence imposed on A1 and A2 was suspended by this Court in Crl.M.P.No.17749 of 2025 in Crl.A.No.136 of 2025 dated 19.11.2025. It is also seen that a joint communication was issued to all the accused under Section 50 of the NDPS Act, informing them of their right to be searched before a Gazetted Officer or a Magistrate, contrary to the law laid down by the Hon'ble Supreme Court. Further, the petitioner has raised



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substantial grounds in the above appeal, and the question of whether the seizure can be believed requires consideration in this appeal.

8. Considering all the above facts, the period of incarceration, the fact that the sentence imposed on the co-accused has been suspended and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties (out of which, one surety should be local surety), 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 week 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.

13.02.2026

cda

To

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



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SUNDER MOHAN, J.

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