



Crl.M.P.No.2406 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM:

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

Crl.M.P.No.2406 of 2026

in

Crl.A.No.165 of 2026

Mohamed Meera Rajuldeen

... Petitioner

Vs.

The State represented by,
The Intelligence Officer,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai 600 017.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of the petitioner imposed by the judgement dated 28.09.2022 by the learned I Additional Judge, Special Court for Exclusive Trial of NDPS Act cases, Chennai, in C.C.No.86 of 2017 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Boris.P.M.

For Respondent : Mr.K.Ethirajalu for
Mr.N.P.Kumar, Spl.P.P(DRI)



ORDER

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This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned I Additional Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, in C.C.No.86 of 2017, vide judgment dated 28.09.2022.

2. The brief facts of the case are as follows:-

2.1. The case of the prosecution is that on 04.05.2017, the petitioner(A2), along with A1, in conspiracy with two persons, viz., Mathew and Sikkandhar, attempted to smuggle 2 kgs. of heroin and they were intercepted at the departure gate of the Chennai Anna International Airport and the contraband was also seized. Based on the seizure, a case in R.R.No.6/2017. In F.No.DRI/CZU/VIII/48/ENQ-1/INT-14/2017 was registered by the respondent police for the offences punishable under Sections 8(c) r/w 21(c), 28 and 29 of the NDPS Act.

2.2. After completion of investigation, the investigating officer filed a charge sheet before the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and the same was taken on file as C.C.No.86 of 2017.



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2.3. On issuance of summons, the accused appeared before the Court and in compliance of Section 207 of Cr.P.C., copies of relied upon documents were furnished to them.

2.4. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.

2.5. On the side of the prosecution, P.W.1 to P.W.8 were examined and Exs.P1 to P72 and M.O.1 to M.O.8 were marked. On the side of defence, neither oral nor documentary evidence was adduced.

2.6. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant guilty of the offences charged and convicted and sentenced them vide judgment dated 28.09.2022 as follows:-

<i>Rank</i>	<i>Under Section</i>	<i>Sentence</i>
A1	8(c) r/w 21(c) of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.
	8(c) r/w 28 of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.



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A2	8(c) r/w 21(c) of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.
	8(c) r/w 28 of the NDPS Act	Ten years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.
The sentences were ordered to run concurrently.		

3. While so, thereagainst, A2 has preferred the instant appeal along with an interim application seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that the petitioner was arrested on 04.05.2017 and he has remained in judicial custody till date. The petitioner has undergone incarceration for a period of 8 years and 11 months and has filed the appeal belatedly and the paper book is yet to be prepared. He further submitted that the petitioner hails from a poor background and in the absence of any person to pursue the appeal on his behalf, he has been languishing in jail for more than 8 years and 11 months. He further requested that having already undergone a substantial period of the sentence, the requirement of payment of fine may be waived



for the present. He also submitted that there are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal. Hence, the sentence imposed on the petitioner/appellant may be suspended.

5. Learned Special Public Prosecutor appearing for the respondent filed a detailed counter and submitted that the petitioner, along with A1, in conspiracy with Mathew and Sikkandhar, attempted to smuggle 2 kgs. of heroin, which is a commercial quantity. Hence, he vehemently opposed for granting suspension of sentence and bail to the petitioner.

6. Admittedly, the petitioner has been in custody from 04.05.2017 and he has been languishing in jail for more than 8 years and 11 months. The appeal is not likely to be taken up in the near future. The Hon'ble Supreme Court in the judgment rendered in ***Narcotic Control Bureau V. Lakshwinder Singh (2025 SCC Online SC 366)***, has held at Paragraph No.7 as follows:

'7.There is no dispute about the fact that the Appellate Court is bound by constraints of Section 37 of the NDPS Act while sidering the prayer for the grant of bail during the pendency of an appeal. However, if, in the facts



of the case, an accused has undergone a substantial part of the of substantive sentence and, considering the pendency of criminal appeals, his appeal is not likely to be heard before the accused undergoes the entire sentence, the Appellate Court can exercise the power of releasing the accused on bail pending the appeal. If the relief of bail is denied in such a factual situation only on the grounds of Section 37 of the NDPS Act, it will amount to the violation of the rights of the accused under Article 21 of the Constitution of India.

7. Considering the period of incarceration of the petitioner, the judgment of the Hon'ble Supreme Court cited supra and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the reliefs of suspension of sentence and bail to the petitioner.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner and the payment of fine 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, each for a like sum, to the satisfaction of the learned Special Judge, I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai;



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(ii) The petitioner shall appear before the Trial Court on the first working day of every English calendar month at 10.30 a.m. until further orders;

20.04.2026

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To

1. The Special Judge,
I Additional Special Court for Exclusive Trial
of cases under NDPS Act, Chennai.
2. The Intelligence Officer,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai 600 017.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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