



CrI.M.P.No.24641 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM:

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

CrI.M.P.No.24641 of 2025
in CrI.A.No.1946 of 2025

Thavasi

... Petitioner

Vs.

The State by,
The Inspector of Police,
NIB-CID Police Station,
Coimbatore District.
(Crime No.35 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed in C.C.No.166 of 2022 dated 16.10.2025 on the file of the Special Court under EC & NDPS Act Cases, Coimbatore and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Ms.V.Lakshmi

For Respondent : Mr.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Additional District Judge, Special Court under EC & NDPS Act Cases, Coimbatore, in C.C.No.166 of 2022, vide judgment dated 16.10.2025.



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2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985	fourteen years of rigorous imprisonment and a fine of Rs.1,00,000/-, in default, to undergo one year rigorous imprisonment.
8(c) r/w 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985	fourteen years of rigorous imprisonment and a fine of Rs.1,00,000/-, in default, to undergo one year rigorous imprisonment.
The sentences shall run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

3.1 The petitioner/appellant is an innocent person. He was working as a cleaner in the lorry.

3.2. Even as per the prosecution, the first accused, who was the driver, is said to have received a call from the fourth accused, the owner of the said lorry, who instructed him to collect two gunny bags while returning from the State of Andhra Pradesh after loading 504 bags of maize.

3.3. The petitioner was not aware of the conversation between A1 and A4.



3.4. There are arguable points available in the Criminal Appeal, which is unlikely to be taken for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal.

3.5. Further, this Court has already suspended the sentence in respect of A4, the owner of the lorry. The petitioner, who is a sexagenarian and has no other previous criminal antecedents, is similarly placed as A4. Hence, the sentence imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of suspension of sentence stating that the petitioner/A2 and the first accused, who were the cleaner and driver of the said lorry respectively, on the instructions from A4, had transported 25 kilograms of Ganja from the State of Andhra Pradesh along with 504 Maize bags. She further submitted that the petitioner was also aware of the contraband and was also in the conscious possession of the same. She also submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, found the petitioner/appellant guilty and convicted him as stated above.



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5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner/appellant that even as per prosecution, A1 is said to have received a call from A4 and on his instructions, transported the contraband and that A4 has already been granted suspension of sentence, this Court is of the view that the sentence of imprisonment imposed on the petitioner can be suspended on certain conditions. Accordingly, till the disposal of the appeal, suspension of sentence is granted to the petitioner, subject to the following conditions:-

“(i) The petitioner/appellant is ordered to be enlarged on bail, on condition that he 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 Additional District Judge, Special Court under EC & NDPS Act Cases, Coimbatore;

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.”



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7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

11.03.2026

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To

1. The Additional District Judge,
Special Court under EC & NDPS Act Cases,
Coimbatore.
2. The Inspector of Police,
NIB-CID Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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