



Crl.M.P. NO. 24399 of 2025
in
Crl.A. NO. 1936 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24399 of 2025
in
Crl.A.No.1936 of 2025

Vanthala Murali
S/o. Ganga Raju,
No.70, Gudem Colony Village,
Gudemkothaveedhi,
Mandalam,
Gudemkothaveedhi Post,
Visakhapatnam Dist.,
Andhra Pradesh 531 133.

..Petitioner

Vs.

Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.

..Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence awarded against the petitioner/A2 by judgment dated 01.12.2025 passed in C.C. No. 38 of 2020 by the learned I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.K. Sivakumar

For Respondent : Dr.D. Simon
Senior Central Govt. Standing Counsel



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 01.12.2025 in C.C. No. 38 of 2020 by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused No.2 in C.C.No.38 of 2020 was convicted by the Trial Court by judgment dated 01.12.2025 for the offence under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for 3 months. Aggrieved by the same, he filed Crl.A.No.1936 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner/A2 along with A1 was found to be in possession of 187.300 Kgs of Ganja, when the respondent Police intercepted their vehicle near Karanodai Toll Plaza, while they were transporting the said contraband and thus committed the aforesaid offences.



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4. The learned counsel for the petitioner would submit that out of the total period of sentence imposed, the petitioner has served two-thirds of the period of sentence and since the appeal is not likely to be taken up in the near future, the sentence imposed on the petitioner may be suspended.

5. Dr.D. Simon, learned Senior Central Government Standing Counsel for the respondent would vehemently oppose the prayer for suspension of sentence stating that the petitioner was found in possession of huge quantity of Ganja and since he has committed a heinous offence, the sentence may not be suspended and the appeal may be taken up for final hearing.

6. Admittedly, the petitioner is in custody from 24.10.2019 and has served almost two-thirds of the period of sentence imposed. 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 considering 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



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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 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 pay a fine of Rs.50,000/- (Rupees Fifty Thousand only) besides executing a bond for a sum of Rs.25,000/-, (Rupees Twenty Five Thousand only) with two sureties, one of which shall be a blood relative, 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;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every week at 10.30 a.m. until further orders 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.

04.02.2026

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To

1. The Special Judge,
I Additional Special Court for Exclusive
Trial of cases under NDPS Act, Chennai.
2. The Superintendent,
Central Prison -I, Puzhal, Chennai.
3. Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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