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Crl.M.P.No.24749 of 2025
in Crl.A.No.926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P.No.24749 of 2025

in

Crl.A.No.926 of 2024

Sheikh Ahmed

... Petitioner

Vs.

State rep. by
Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of Criminal Procedure Code, praying to suspend the sentence passed in C.C.No.13 of 2019 order dated 26.04.2023 on the file of Court of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, to enlarge the bail pending disposal of the above appeal.

For Petitioner : Mr.T.S.Sasi Kumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed in C.C.No.13 of 2019 dated 26.04.2023 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, pending disposal of the above Appeal.

2. The petitioner/appellant was convicted for the offence u/s 8(c) r/w 20(b)(ii)(C) of the NDPS Act and was sentenced to undergo rigorous imprisonment of 12 years with a fine of Rs.1,20,000/-, in default to pay the fine amount, was sentenced to undergo rigorous imprisonment for a further period of 6 months and he was also convicted for the offence u/s 8(c) r/w 29(1) of the NDPS Act and was sentenced to undergo rigorous imprisonment of 12 years with a fine of Rs.1,20,000/-, in default to pay the fine amount, was sentenced to undergo rigorous imprisonment for a further period of 6 months, vide judgment dated 26.04.2023 made in C.C.No.13 of 2019 by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. Aggrieved by the same, the petitioner has filed the above appeal along with this petition seeking suspension of sentence.



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3. The learned counsel for the petitioner would submit that this Court, vide order dated 31.07.2024 in Crl.M.P.No.10272 of 2024 in Crl.A.No.926 of 2024, had suspended the sentence imposed on the petitioner on the condition that the petitioner should pay the fine amount imposed on him within a period of two weeks; that the fine amount imposed on the petitioner is Rs.2,40,000/-; that since the petitioner is unable to mobilise the said amount, the petitioner is still in custody; that this Court, by the earlier order, had observed that if the fine is not paid within the period of two weeks, the order of suspension of sentence would stand automatically vacated. Hence, he has filed this petition.

4. The learned Special Public Prosecutor appearing for the respondent would submit that this Court had earlier granted suspension of sentence only on payment of fine; that all the other accused had paid fine; and that no exception can be made to the petitioner. He would further submit that even if the petitioner is unable to pay the entire amount, he must be directed to atleast pay part of the fine amount.

5. Heard the learned counsel for the petitioner and the learned Special



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Public Prosecutor for the respondent and perused the materials available on
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record.

6. It is seen from the order passed by this Court in Crl.M.P.No.10272 of 2024 in Crl.A.No.926 of 2024 that this Court, after considering the facts and circumstances of the case, had granted suspension of sentence. The relevant portion of the order reads as follows:

“8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 and on further condition that the petitioner shall appear before the respondent police on every Monday at 10.30 a.m., pending appeal. Further, the petitioner is directed to pay the entire fine amount as ordered by the trial court, within a period of two (2) weeks from the date of receipt of a copy of this order, failing which, the suspension of substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court.

9. Further, it is made clear that, if the petitioner indulges in similar offence in the future, the suspension of substantive sentence alone granted today will automatically stand dismissed without any further reference to this Court.”

7. It is seen that though the petitioner has been granted suspension of sentence on 31.07.2024, the said order stood vacated since the petitioner did



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not pay the fine amount. The petitioner is still in custody as he is unable to pay the fine amount of Rs.2,40,000/-. Therefore, considering the above said fact, the long period of incarceration and the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is inclined to suspend the sentence and grant bail to the petitioner on certain conditions.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and the petitioner is directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) towards fine to the credit of C.C.No.13 of 2019 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. On such payment, the substantive sentence of imprisonment alone shall stand suspended, and the petitioner is directed to be enlarged on bail, on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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;

(ii) the petitioner and the sureties shall affix their



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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;

(iii) The petitioner shall appear before the respondent police on every Monday at 10.30 a.m., pending appeal.

(iv) Further, it is made clear that, if the petitioner indulges in similar offence in the future, the suspension of substantive sentence alone granted today will automatically stand vacated without any further reference to this Court.

9. Post the main appeal in the usual course.

23.01.2026

cda/ars

NOTE: Issue order copy by 27.01.2026



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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,
Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
 - 3.The Central Prison – I, Puzhal, Chennai.
 - 4.The Public Prosecutor,
High Court of Madras, Chennai.



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SUNDER MOHAN, J.

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