



Crl.M.P.No.24232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24232 of 2025
in Crl.A.No.1927 of 2025

D.Sowndhar

(confined at Central Prison,
Coimbatore)

... Petitioner/Appellant

Vs.

The State of Tamil Nadu Represented by
Deputy Superintendent of Police,
NIB CID
Coimbatore City.
(Crime No.35 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS., pleaded to suspend the sentence imposed on the petitioner in C.C.No.166 of 2022 dated 16.10.2025 passed by the Additional District Judge/Special Court under E.C. and NDPS Act Cases, Coimbatore and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.V.K.Sathyamurthy
for Mr.NA.Mani Maran

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



Crl.M.P.No.24232 of 2025

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed on the petitioner by judgment dated 16.10.2025 passed in C.C.No.166 of 2022 by the learned Additional District Judge/Special Court under E.C. and NDPS Act Cases, Coimbatore, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.

2. The petitioner/Accused in C.C.No.166 of 2022 was convicted by the Trial Court by judgment dated 16.10.2025, for the following offence:

<i>Under Section</i>	<i>Sentence</i>
8(c) r/w Section 29(1) of Narcotic Drugs and Psychotropic Substance Act, 1985	R.I for a period of 14 years and a fine of Rs.1 Lakh, I/d. R.I for 1 year

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.1927 of 2025 before this Court along with the instant criminal miscellaneous petition.

4. The case of the prosecution is that A1 and A2 were found in possession of 25 Kgs of Ganja in a lorry bearing Registration No.TN-58-AW-6750 and that, after compliance with the mandatory provisions, they



Crl.M.P.No.24232 of 2025

were arrested, and their confession revealed that the contraband was meant for A3, and that A4 had instructed them to deliver the contraband to A3.

5. The learned counsel for the petitioner/accused submitted that the petitioner was arrayed as an accused only on the basis of the confession of the co-accused during the trial; and that there is no other evidence except the confession of the co-accused; and that the prosecution has not established any other link between A1 and A3; and that the sentence imposed on similarly placed co-accused (A4) was suspended by this Court in Crl.M.P.No.20923 of 2025 in Crl.A.No.1716 of 2025 and he prayed for suspension of sentence for the petitioner.

6. Learned Government Advocate (Crl.Side) appearing for the respondent, per contra submitted that the contraband was seized from A1 and A2; that their confession revealed that the contraband was meant for A3; that A1 and A2 were instructed to deliver the said contraband to A3 by A4. He further submitted that, considering the materials available on record, and since the petitioner was found guilty of the offence of conspiracy to commit the offence of possessing commercial quantity of contraband, the petitioner has to satisfy the twin conditions under Section 37 of the NDPS Act. He



Crl.M.P.No.24232 of 2025

further submitted that the petitioner was involved in yet another case, which was registered in the year 2018 at Madurai for the offences under Section 8 (c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act and therefore, he prayed for dismissal of the petition.

7. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the counter affidavit available on record.

7. It is seen that the prosecution has examined six witnesses. Through the evidence of those witnesses, the prosecution has proved the seizure effected from A1 and A2. The only material relied upon by the prosecution as against the petitioner is the confession of the co-accused.

8. Though it is alleged that the petitioner/accused was involved in another case in the year 2018, it is seen that he is on bail in the said case, and no other case has been registered against him thereafter. It is also the admitted case of the prosecution that the petitioner is not involved in any other case subsequent to the present case.



Crl.M.P.No.24232 of 2025

9. The petitioner has been convicted solely on the basis of the confession of the co-accused, and there is no other material to prove his connection with the other accused. The earlier case registered against him pertains to the year 2018. Hence, this Court is of the view that the petitioner has satisfied the twin conditions contemplated under Section 37 of NDPS Act. It is also brought to the notice of the court that the sentence imposed on similarly placed co-accused (A4) has already been suspended by this Court. Therefore, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

10. 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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Special Court under E.C. and NDPS Act Cases, Coimbatore;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court



Crl.M.P.No.24232 of 2025

WEB COPY

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 month 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.

24.02.2026

Anu

Note:Issue order copy on 24.02.2026

To

1. The Additional District Judge/Special Court
under E.C and NDPS Act Cases, Coimbatore

2. The Deputy Superintendent of Police,
NIB CID
Coimbatore City.

3.The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

6/7



WEB COPY



Crl.M.P.No.24232 of 2025

SUNDER MOHAN, J.

Anu

**Crl.M.P.No.24232 of 2025
in
Crl.A.No.1927 of 2025**

24.02.2026