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Crl.M.P.Nos.11285 & 11216 of 2
in Crl.A.Nos.788 & 784 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**Crl.M.P.Nos.11285 & 11216 of 2026
in Crl.A.Nos.788 & 784 of 2026**

Crl.M.P.No.11285 of 2026 in Crl.A.No.788 of 2026

Rani,
W/o.Sivakumar,
Chettipatti, Nadar Street,
Sankari, Salem District.

..Petitioner(s)

Vs

State Rep By,
Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
Crime No.855 of 2015

..Respondent(s)

Crl.M.P.No.11216 of 2026 in Crl.A.No.784 of 2026

Murugan @ Vannathi Murugan,
S/o.Mayathevar,
Kumalam Tholuvu,
Andipatti, Theni District.

..Petitioner(s)

Vs

State Rep By,
Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
Crime No.855 of 2015

..Respondent(s)





Coimbatore, and to enlarge the petitioners on bail pending disposal of the above Criminal Appeals before this Court.

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2. The conviction and sentence imposed on the petitioners/appellants vide the impugned judgment dated 05.06.2026 are as follows:

Rank of the Accused	Sections	Imprisonment	Fine amount
A1 & A2	8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985	Sentenced to undergo Rigorous Imprisonment for a period of five years each and to pay a fine of Rs.30,000/- each, and in default of payment of fine, the accused shall undergo further one year of rigorous imprisonment.	Rs.60,000/-

3. The case of the prosecution is that on 23.12.2015 at about 15.00 hours, in the vacant land on the right side of the junction of Teachers Colony, Venkitapuram, at Chinniyampalayam, Coimbatore, A-1 Murugan @ Vannathi Murugan, S/o. Mayathevar, was found in possession of 2 kilograms of Ganja along with sale proceeds of Rs.650/-, and A-2 Rani, W/o. Siva Kumar, was found in possession of 2 kilograms of Ganja along with sale proceeds of Rs.350/-. The contraband was prohibited by the Government as it was endangering to human beings, and the Accused were allegedly selling the same to the public with an intention to derive financial gain. Hence, the case.



4. Based on the above complaint, a case was registered at Peelamedu Police Station, Coimbatore City, in Crime No.855 of 2015, under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act, against the Accused on 23.12.2015 at about 19.30 hours by Thiru Ganesh Pandian, the then Sub-Inspector of Police, and the case was submitted to Thiru Gopi, the then Inspector of Police, for investigation. After completion of the investigation, the then Investigating Officer filed a charge sheet before the learned Additional District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore, and the same was taken on file as C.C.No.100 of 2017.

5. During trial, the prosecution examined P.Ws.1 to 5 and marked Exs.P.1 to P.10. On behalf of the defence, no witnesses were examined, no exhibits were marked, and no material objects were marked.

6. The learned counsel for the petitioners submitted that in this case it has been projected as though the P.W.1, Sub-Inspector of Police had received secret information at about 2.00 p.m., on 23.12.2015. On receipt of the same he had informed the superior and left for the scene of occurrence along with P.W.2 and P.W.3 police constables at about 3.00 p.m. On surveillance, both the petitioners were questioned and they were giving contradictory statements. Thereafter they were informed about the search procedure and search is said to have been made,



and from each of the accused 2kg of ganja was seized from the bags in their hands.

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7. The learned counsel submitted that in this case there has been clear violation of Sections 42, 50, 52A, and 57 of the NDPS Act. P.W.1 admits that after search and seizure from the accused he had registered the FIR and investigated. He admits that he had not submitted the information to the superior officer and admits that there is violation of Section 42 which is a foundation of the Act. He further submitted that samples were taken in the scene of occurrence and not before the learned Magistrate; hence, there has been violation of Section 52A. Further he submits that P.W.1 admits that he had not informed the superior P.W.5 and hence there is no compliance of Section 57. The independent witness, P.W.4 is a strong witness who states that though he has signed, he does not know the contents. P.W.5 confirms that Sections 42 and 57 reports were not submitted to him.

8. The learned counsel for A1 submitted that the petitioner/A1 was earlier arrested by the Andhra Pradesh Police and in that case he had been now granted bail and he is in prison in connection with this case from 14.10.2025. The learned counsel for A2 submitted that after her conviction she has been in prison from 05.06.2026.



9. The learned Government Advocate (Crl.Side) appearing for the respondent police strongly opposed the petitions. She submitted that the specific overt act attributed to the petitioners is that they, in furtherance of common intention, were actively involved in the illegal sale and distribution of the contraband to the general public and students in and around the locality, with the intention of deriving unlawful pecuniary gain therefrom.

10. She further submitted that P.W.1 is the SI of Police attached to Peelamedu Police Station and they, on secret information, went to the scene of occurrence and found that the petitioners moved in a suspicious manner. They were enquired and gave contradictory answers, and thereafter search was conducted in compliance of Section 50 and 2kg of ganja had been seized from each of them. Ex.P1 is the prior permission letter, Ex.P2 is the consent letter, Ex.P3 and Ex.P4 are the seizure mahazars, and thereafter he came to the police station and registered an FIR under Ex.P5. P.W.2 and P.W.3 are the police constables who had gone along with P.W.1, who confirmed the search and seizure. P.W.4 is an independent witness examined, and P.W.5 is the Investigating Officer through whom Ex.P6 to P10, including the chemical analysis report, were marked. In this case, the petitioners being found in possession of Ganja is clearly proved and the trial court has rightly convicted them.



11. Heard both sides and perused the materials available on record.

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12. It is seen that total five witnesses were examined and except P.W.4 all the other witnesses are police personnel. P.W.4 admits that on secret information he had come to the scene of occurrence, but states that he does not know the contents of the paperwork he signed. Though Ex.P1 has been projected as a prior permission letter, P.W.1 as well as P.W.5 admit that there is no reference about the same submitted to P.W.5 and that he had approved it. In this case, admittedly Section 57 was not complied with and the samples have been taken in the scene of occurrence and not before the learned Magistrate, which is in violation of Section 52A. The P.W.4 admits that there is no signature obtained from the petitioners in the seizure mahazars, hence the seizure itself becomes doubtful. It is also seen that though the contraband was seized long back, there was an unexplained delay in sending the samples to the Court for chemical analysis, and no acceptable explanation offered by the prosecution for the delay.

13. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners. Accordingly, these Criminal Miscellaneous Petitions stand **allowed** and the sentence imposed on the petitioners is suspended till the disposal of the above Criminal Appeals, and the petitioners are ordered to be released on bail on the following conditions:



(i) The petitioners/Appellants/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Special Court under EC Act/NDPS Act Cases, Coimbatore;

(ii) The Petitioners/Appellants/Accused and the sureties shall affix their photographs and Left Thumb Impressions 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 and;

(iii) The petitioners/Appellants/Accused shall appear before the trial Court at 10.30 a.m., once in every three months, without fail, until further orders;

(iv) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

14. Accordingly, this Criminal Miscellaneous Petitions stand ordered.

21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

- 1.The Additional District Judge/
Special Court under EC Act/NDPS Act Cases, Coimbatore.
- 2.The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
- 3.The Special Prison for Women, Coimbatore.
- 4.The Central Prison, Coimbatore.
- 5.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

CDA

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