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CrlMP(MD)No.5314 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrlMP(MD)No.5314 of 2026
in
Crl A(MD)No.309 of 2026

C.Sivamani

...Petitioner

Vs

The State of Tamil Nadu rep by
the Inspector of Police,
NIBCID PS, Theni,
Theni District.
[Crime No.68 of 2011]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner by judgment made in CC.No.112 of 2012 dated 23.04.2025 by the I Additional Special Court for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Prabakaran
For Respondent : Mrs.Moushica,
Government Advocate

ORDER

The petitioner is accused No.4 in CC.No.112 of 2012 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. By judgment dated 23.04.2025, the petitioner was found guilty, convicted and sentenced to undergo 14 years rigorous imprisonment with a fine of Rs.1,00,000/-, in default to undergo



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2 years simple imprisonment for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25 of the NDPS Act; As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.309 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 09.03.2026.

2.The learned counsel appearing for the petitioner submits that the contraband has been recovered from a coconut grove. However, the owner of the coconut grove PW3 has stated that he was not aware of the contraband, which has been concealed in his land. According to the learned counsel for petitioner, without the knowledge of the watchman of the coconut grove, nobody can enter and conceal the contraband. However, this watchman was not examined, who is the material witness. He further submits that the provisions under Sections 42 and 52 A and 57 of the NDPS Act were not complied with. There is a delay in sending the contraband to the court, when it is alleged to have been recovered on 17.08.2011, it has reached the court only on 05.09.2011. The petitioner is in jail from the date of conviction and therefore, the petitioner be considered for grant of bail.

3.The learned Government Advocate submits that on 17.08.2011 at about 10hours on the Theni – Cumbum road, near Chikkayan Petrol Bunk , A2 and A4 were arrested, they were found in possession of 60kgs of ganja, kept in three white colour plastic gunny bags and the same was recovered from them. Based on their



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confession statement, 180kgs of ganja concealed in the coconut grove has been recovered. Therefore, according to the learned Government Advocate, the petitioner along with other accused was in conscious possession of 240kgs of ganja. He further submits that the contraband which has been recovered on 17.08.2011, has been produced before the learned Judicial Magistrate and thereafter it was produced before the Special Court concerned at Madurai. Therefore, there is some delay. However, the fact remains that the contraband has been produced before the court on the same day it was recovered. The learned Government Advocate also submits that the petitioner has involved in the following cases, out of which 7 cases are similar in nature;

Sl. No	Name of the Police Station	Crime Nos.	Offences	Stage
1	Theni NIB CID PS	34 of 2020	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
2	Theni NIB CID PS	8 of 2020	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
3	Theni NIB CID PS	218 of 2017	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
4	Theni NIB CID PS	82 of 2015	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
5	Theni NIB CID PS	315 of 2015	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
6	Theni NIB CID PS	21 of 2014	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
7	Theni NIB CID PS	216 of 2017	8(c) r/w 20(b)(ii) (A) of NDPS Act	Fine imposed
8	Cumbum North PS	134 of 2025	8(c) r/w 20(b)(ii) (B) of NDPS Act	CC.No. 254 of 2026



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Sl. No	Name of the Police Station	Crime Nos.	Offences	Stage
9	Cumbum North PS	423 of 2019	8(c) r/w 20(b)(ii) (B) of NDPS Act	CC.No. 105 of 2020
10	Cumbum North PS	217 of 2017	8(c) r/w 20(b)(ii) (B) of NDPS Act	CC.No. 296 of 2017
11	Cumbum North PS	724 of 2016	8(c) r/w 20(b)(ii) (B) of NDPS Act	PT

4.Considering the available materials and the antecedents of the petitioner, this court is not inclined to entertain this petition. Accordingly, this petition is dismissed.

06.08.2026

DSK

To

1.The Inspector of Police,
NIBCID PS, Theni,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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