

*CrI.MP(MD) No.7264 of 2026 in
CrI.A(MD) No.418 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.7264 of 2026
in CrI.A.(MD)No.418 of 2026

Agnihasan

... Petitioner

Vs.

State of Tamil Nadu through,
The Inspector of Police,
PEW - Dindigul P.S.,
Dindigul District.
Crime No.265 of 2023

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed by the learned I Additional Special Court for NDPS Act Cases, Madurai passed in C.C.No.990 of 2023, dated 16.05.2025, and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.A.Robinson,
Government Advocate (CrI. Side)



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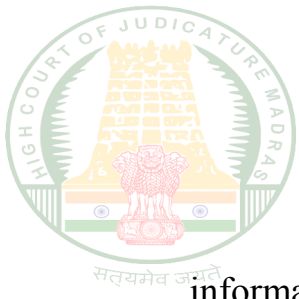
ORDER

The petitioner, A1 in C.C.No.990 of 2023, on the file of the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(C) & 29(1) NDPS Act	14 years RI	Rs.1,00,000/-	2 years SI

As against the conviction and sentence imposed by the trial Court in C.C.No.990 of 2023, dated 16.05.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.418 of 2026 and the same was admitted by this Court on 06.04.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 05.03.2023, at about 15.00 hours, a secret informer furnished information that certain persons were engaged in the illegal sale of ganja in the bush area situated behind Sanaa Mill on the Dindigul–Vathalakundu Road. Based on the said



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information, at about 16.00 hours, the police party reached the spot, wherein, they found a Tata Ace bearing Registration No.TN 57 AU 6675, a Bajaj CT 100 bearing Registration No.TN 57 BX 9676, a Suzuki Access 125 bearing Registration No.TN 57 BD 6519, and a Hero Honda Splendor motorcycle without any registration number parked under suspicious circumstances. On noticing the arrival of the police party, the accused persons attempted to flee from the scene. They were immediately intercepted and secured by the police party. On enquiry, they gave contradictory and evasive answers regarding their identity and presence at the place of occurrence. Subsequently, two gunny bags containing 20 kg and 25 kg of ganja, respectively, were recovered from the Tata Ace bearing Registration No. TN 57 AU 6675. Hence, the case.

3. The learned counsel appearing for the petitioner, by referring to the orders passed by this Court in Crl.M.P.(MD)Nos. 8801 and 10321 of 2025 in Crl.A.(MD)Nos. 736 and 836 of 2025, submits that A3 and A2 have already been granted suspension of sentence by this Court on 26.03.2026. The learned counsel further submits that the petitioner has been in custody from the date of his arrest, i.e., 05.03.2023, and has been in

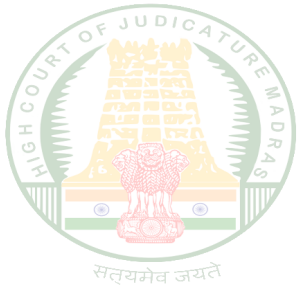


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jail for the past three years and four months. The contraband was recovered from the Tata Ace bearing Registration No.TN 57 AU 6675 and not from the petitioner. According to the learned counsel, Section 42 of the NDPS Act has not been complied with. Further, the contraband was not produced before the Trial Court and the samples were not taken in the presence of the learned Judicial Magistrate. Therefore, according to the learned counsel, Section 52A of the NDPS Act has also not been complied with.

4. The learned Government Advocate appearing for the respondent submits that the petitioner is the main accused (A1), whereas A2 and A3 were granted suspension of sentence considering their overt act, that they guarded the vehicle in which the contraband was transported. According to him, the petitioner (A1) transported the contraband in the Tata Ace bearing Registration No. TN 57 AU 6675. He further submits that Section 52A of the NDPS Act has been complied with. After the samples were taken, the contraband was destroyed pursuant to the orders of the Trial Court. Apart from the present case, the petitioner is involved in three other cases. Therefore, the learned Government Advocate opposed the grant of suspension of sentence.



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5. In reply, the learned counsel appearing for the petitioner submits that all the accused were secured in front of the vehicle and, therefore, all the accused are similarly placed.

6. This Court considered the rival submissions made and also perused the materials placed on record.

7. This Court has already considered the grant of suspension of sentence to the co-accused in Crl.M.P.(MD)Nos.8801 & 10321 of 2025 in Crl.A.(MD)Nos.736 & 836 of 2025. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

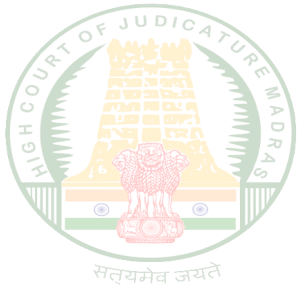


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8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai. The sureties shall be Government Servants.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.
- iii. The petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will



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neither misuse the liberty granted by this Court nor involve in any other offence in future.

v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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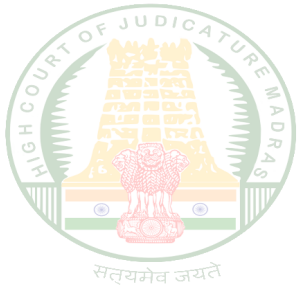
To

1.The learned Additional District Judge,
I Additional Special Court for NDPS Act Cases,
Madurai.

2.The Inspector of Police,
PEW - Dindigul P.S.,
Dindigul District.

3.The Superintendent,
Central Prison,
Trichy.

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



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B.PUGALENDHI, J.,

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