



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.7991 of 2026

in Crl.A.(MD)No.152 of 2024

K.Pandi

... Petitioner

versus

The State of Tamil Nadu,
Rep. by Intelligence Officer,
Narcotic Control Bureau
Madurai District.
[Crime No.48 of 2021]

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the Additional District and Sessions Judge, for EC & NDPS Act Cases, Pudukkottai, in C.C.No.77 of 2021, dated 18.03.2021 and enlarge the petitioner on bail pending disposal of the criminal appeal in CrlA(MD)No.152 of 2024.

For Petitioners : Mr.N.Manimaran

For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public Prosecutor for NCB cases



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

ORDER

WEB COPY

The petitioner is accused No.3 in C.C.No.77 of 2021 on the file of the learned Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukkottai. The petitioner was prosecuted along with accused Nos.1 and 2 that this petitioner has sent money to accused No.2 for procurement of ganja. The respondent police arrested accused Nos.1 and 2 along with contraband of 201 kgs. This petitioner was arrested that there was some financial transactions between this petitioner and accused No.2. The trial Court, by its judgment dated 08.01.2024, found the petitioner guilty and sentenced and convicted him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 20(b) (ii)(C) r/w. 29(1) of NDPS Act	14 years Rigorous imprisonment	Rs.1,40,000/-	2 years rigorous imprisonment
2.	8(c) r/w. Section 27(A) of NDPS Act	14 years Rigorous imprisonment	Rs.1,40,000/-	2 years rigorous imprisonment
3.	8(c) r/w. 28 r/w. 20(b)(ii) (C) of NDPS Act	14 years Rigorous imprisonment	Rs.1,40,000/-	2 years rigorous imprisonment



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

WEB COPY

Challenging the judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.152 of 2024 and the same was admitted by this Court on 26.02.2024. Along with the appeal, the petitioner has filed this petition to suspend the sentence imposed by the trial Court.

2.The learned counsel appearing for the petitioner submits that there is no recovery of contraband from this petitioner and he has been implicated that he had financial transactions with accused No.2. However, the same has not been established by the respondent police. According to him, the bank manager has not been examined to prove that the petitioner has sent money from his account to accused No.2. The learned counsel for the petitioner points out that the transactions made on 12.09.2020, 26.09.2020, 02.10.2020 and 10.10.2020 are much prior to the date of occurrence. There is another transaction on the date of transaction on 17.03.2021, however, the documents show that this transaction has been made from a bank account of one Pradeepa to the accused No.2 and not from the account of the petitioner. He further submits that there is no material as against this petitioner, however, prosecution has been laid as against this petitioner and the trial court has also mechanically convicted this petitioner. He has also relied on the orders of this court dated 13.03.2026 passed in



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

WEB COPY

CrlMP(MD)No.9100 of 2025 and submitted that this court has suspended the sentence imposed on accused No.2. According to him, the petitioner is in jail for the past five years and five months.

3.The learned Special Public Prosecutor submits that apart from the money transactions, Ex.P.85 call detail record reveals that there are 13 calls made between the petitioner and accused no.2 from 01.01.2021 to 17.03.2021. The trial court has relied on Ex.P.90, which shows this petitioner has sent around Rs.55,000/- to the accounts of accused No.2. The petitioner has admitted these transactions that it was sent for cattle business. He further submits all these show that the petitioner has nexus to the offence. Therefore, he opposes bail to the petitioner.

4. This Court considered the rival submissions made.

5.The recovery of ganja is only from accused Nos.1 and 2. This petitioner has been implicated based on the financial transactions with accused No.2. Though there are money transactions between the petitioner and accused No.2 and there are several calls made between them, the bank manager and the nodal



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

WEB COPY
officer have not been examined in this regard. The trial court has relied on Ex.P.85 and Ex.P.90 marked through investigating officer to conclude that there were transactions between the petitioner and accused No.2 without providing an opportunity of cross examination. The petitioner has pointed out that the transactions are much prior to the date of occurrence and the transaction on the date of occurrence is not from the petitioner's account.

6. The Criminal Appeal filed by the petitioner was also admitted by this Court. However, the appeal could not be taken up immediately for final hearing. The petitioner is in jail from the date of arrest on 18.03.2021 for the past five years. Considering the period of incarceration, the materials as against the petitioner, co-accused has been granted bail and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.

7. 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 executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

Special Additional District and Sessions Judge / Presiding Officer for EC & NDPS Act Cases, Pudukkottai. The sureties must be government servants.

(ii)The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, pending the appeal.

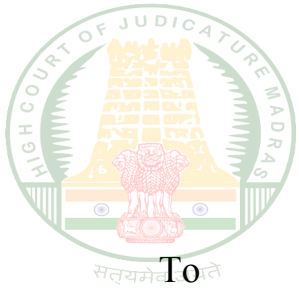
(iii) The petitioner shall report before the trial court daily at 10.30am.

(iv)If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v)If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

07.07.2026

DSK



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

To

WEB COPY

1. The Special Additional District
and Sessions Judge/Presiding Officer
for EC & NDPS Act Cases,
Pudukkottai.
2. The Superintendent,
Central Prison, Trichy.
3. The Intelligence Officer,
Narcotic Control Bureau
Madurai Sub Zone
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



*Crl.M.P.(MD)No.7991 of 2026
in Crl.A.(MD)No.152 of 2024*

B.PUGALENDHI, J.

DSK

**Crl.M.P.(MD)No.7991 of 2026
in
Crl.A.(MD)No.152 of 2024**

07.07.2026