



CRL MP(MD), No.8302 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.8302 of 2026

in

CRL A(MD)No.456 of 2026

Manjula

... Petitioner/A1

Vs

The State of Tamilnadu, Rep. by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No. 374 of 2023).

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed on the petitioner by the II Additional Special Court for NDPS Act Cases, Madurai in C.C.No.180 of 2024 dated 10.12.2024 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

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



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ORDER

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The petitioner is the 1st accused in C.C.No.180 of 2024 on the file of the II Additional Special Court for NDPS Act Cases, Madurai. She was prosecuted along with another accused for the offence under Sections 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act that they were found in possession of 25.390 kgs. of ganja, which was intended for sale. In conclusion of trial, the trial Court, by its Judgment dated 10.12.2024, found the accused persons guilty and convicted and sentenced them as follows:

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w. 20(b)(ii)(C) of NDPS Act	10 years RI each	Rs.1,00,000/- each	12 months SI each
2.	29(1) of NDPS Act	10 years RI each	Rs.1,00,000/- each	12 months SI each

Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal in CrI.A.(MD)No.456 of 2026 and the same has been admitted by this Court on 20.04.2026. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner has raised the following grounds for suspension of sentence.

(i) At the time of occurrence, the respondent has not followed the procedure as contemplated under NDPS Act.

(ii) There is no clinching material to prove the manner in which the seizure has been effected.

(iii) There is no corroboration between the evidence of prosecution witnesses.

(iv) All the witnesses are official witnesses and no steps were taken by the prosecution to prove the allegations through the independent witnesses.

(v) Though the contraband was seized, it was not produced before the concerned Court within the time stipulated under the NDPS Act.

(vi) The petitioner is not having any bad antecedent.

(vii) The petitioner is in jail from the date of arrest, ie. from 24.11.2023.

3. The learned Government Advocate (Crl. Side) opposed this



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petition stating that the petitioner along with another accused was arrested along with the contraband. He further submits that the accused persons, through an unknown person, procured the ganja from Andhra Pradesh and kept it for sale. However, he fairly submits that the petitioner/A1 is not having any previous case.

4. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of criminal appeal. However, for want of time, the criminal appeal could not be taken up for final hearing. Further, the petitioner is in jail from the date of arrest, ie. for more than 2 ½ years.

5. Considering the points raised by the petitioner and her period of incarceration and also considering the fact that the petitioner is not having any previous antecedent, this Court is inclined to suspend the sentence with certain conditions. 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:



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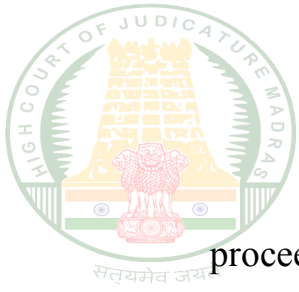
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the II Additional Special Court for NDPS Act Cases, Madurai.

(ii) The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and she will be available during the appeal proceedings.

(iii) 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.

(iv) The petitioner shall not misuse the liberty granted to her by indulging in any further offence.

(v) The petitioner shall appear before the trial Court once in a week, i.e. on the first working day of every week at 10.30 a.m. until further orders and also file an affidavit that she will not indulge in any other offence in future and she will be available during the appeal



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(vi) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to her.

30.07.2026

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To

1. The I Additional Special Court for NDPS Act Cases,
Madurai.
2. The Superintendent,
Special Prison for Women,
Madurai.
3. The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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