

CRL MP(MD)No.8892 of 2026
in CRL A(MD)No.345 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.8892 of 2026
in CRL A(MD)No.345 of 2025

1. Alagupandi
2. Muthupandi

... Petitioners/
A1 and A2

Vs

State rep. by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.93 of 2021)

... Respondent

Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed by the I Additional Special Court for NDPS Act Cases, Madurai in C.C.No.449 of 2022 by the Judgment dated 04.02.2025 and enlarge the petitioners / appellants on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.M.Mohamedrafi

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. Side)



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ORDER

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The petitioners are accused Nos.1 and 2 in C.C.No.449 of 2022 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. They were tried along with two others for the offence punishable under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act that they had transported 70 kgs. of ganja in two motorcycles bearing Reg.No.TN57AF 3990 and TN57BU 2088. The 2nd accused said to have driven the motorcycle bearing Reg.No.TN57AF 3990 along with the 1st accused and 36 kgs. of ganja was recovered by the respondent Police from that vehicle. The trial Court, by its Judgment dated 04.02.2025, found the petitioners guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act and convicted and sentenced them as under:

Rank of the Accused	Sections	Punishment	Fine amount	Default
A1	8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act	10 years RI	Rs.1 lakh	2 years SI
A2	8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act	10 years RI	Rs.1 lakh	2 years SI

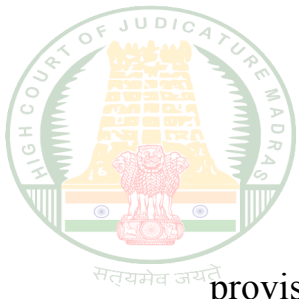


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Challenging the Judgment of conviction and sentence, the petitioners have filed a separate appeal before this Court in Crl.A.(MD)No.345 of 2025 and the same has been admitted by this Court on 19.03.2025. Along with the appeal, the petitioners moved a petition before this Court in Crl.M.P.(MD)No.3622 of 2025 seeking to suspend the sentence imposed by the trial Court. However, the same was withdrawn by the petitioners on 23.01.2026. This is the second petition filed by the petitioners seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioners submits that the petitioners are father and son and they have been falsely implicated in this case. He further submits that there was a delay in producing the contraband before the trial Court. According to him, the contraband was recovered on 23.04.2021, however, the same was produced before the trial Court only on 16.08.2021, ie. after four months. The learned counsel, by referring to the evidence of P.W.4, submits that P.W.4 admitted that he has not received any report under Section 57 of NDPS Act from P.W.2 and therefore, there is a violation of the mandatory



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provision under Section 57 of NDPS Act. The learned counsel further submits that the accused Nos.3 and 4, who were similarly placed, have already been granted bail by this Court, by suspending the sentence imposed by the trial Court, in Crl.M.P.(MD)No.4037 of 2025 in Crl.A.(MD)No.387 of 2025 dated 16.03.2026 and Crl.M.P.(MD)No.7067 of 2025 in Crl.A.(MD)No.641 of 2025, dated 30.03.2026. According to him, the petitioners are in jail from the date of conviction, ie. on 04.02.2025 and they were also in jail during the trial for 185 days, ie. from 24.03.2021 to 24.09.2021. Since the petitioners are in jail for the past 2 years, they may be considered for grant of bail.

3. The learned Government Advocate (Crl. Side) submits that though the accused Nos.3 and 4 have been granted bail by this Court, there is no bad antecedent as against them. However, the 1st accused has involved in two other cases and the 2nd accused has involved in five other cases, out of which, four cases are similar in nature. If the petitioners are released on bail, they will indulge in further offence under NDPS Act.



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4. In response to the same, the learned counsel appearing for the petitioners submits that the petitioners would not indulge in any offence in future. In order to show their *bona fide*, the petitioners are ready to file affidavits of undertaking before the respondent Police that they will not indulge in any further offence in future, if they are released on bail. Apart from that, one R.Kumar, S/o.Raman, who is working as Driver in TNSTC and Mr.V.Subbiramani, S/o.Veeran, who is working as Waterman in a Panchayat Union, have agreed to stand as sureties for the petitioners and they are also ready to file undertaking affidavits before the respondent Police that the petitioners will not indulge in any further offence in future. To that effect, they have also filed affidavits before this Court.

5. Considering the period of incarceration undergone by the petitioners and also the fact that the co-accused have already been granted bail by suspending the sentence imposed by the trial Court and the appeal could not be taken up for final hearing immediately for want of time, this Court is inclined to suspend the sentence imposed by the trial Court on the petitioners, with certain conditions:



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6. 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 petitioners shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) each, with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai. The said persons, namely, R.Kumar and Mr.V.Subbiramani, who have filed affidavits before this Court, shall stand as sureties for the petitioners.

(ii) The petitioners 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 petitioners shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The sureties shall file undertaking affidavit before the



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respondent Police that the petitioners will not indulge in any further offence in future. The sureties shall also ensure the petitioners' availability till the disposal of the appeal proceedings.

(v) The petitioners shall also file undertaking affidavit before the respondent Police that they will not indulge in any further offence in future.

(vi) The petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

(vii) If the petitioners violate any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

21.07.2026

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



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B.PUGALENDHI, J.

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