



CrIMP(MD)No.12719 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.12719 of 2026
in
CrIA(MD)No.748 of 2026**

Baskaran

...Petitioner

Vs

**The State Represented by
the Inspector of Police,
Cumbum North Police Station,
[Crime No.122 of 2016]**

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentence and conviction made in the judgment dated 27.11.2023 in CC.NO.290 of 2016 passed by the II Additional Special Court for NDPS Act Cases, Madurai, enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.Thanga Prithvi Rajan

For Respondent : Mr.V.Moushica,

Government Advocate (Crl Side)



CrIMP(MD)No.12719 of 2026

ORDER

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The petitioner is sole accused in C.C.No.290 of 2016 on the file of the II Additional Special Court for NDPS Act Cases, Madurai. By judgment dated 21.11.2023, the petitioner was found guilty for the offence under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act and convicted and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs1,00,000/-, in default, to undergo simple imprisonment for a period of six months. Challenging the judgment of conviction and sentence, the petitioner has filed an appeal in CrI.A.(MD)No.748 of 2026 and the same was admitted by this Court on 01.07.2026. This petition is filed by the petitioner seeking to suspend the sentence imposed by the trial Court pending the appeal.

2.The learned counsel for the petitioner submits that the occurrence date is on 11.03.2016 , but the petitioner was arrested on 16.03.2016. Further the petitioner's name was not mentioned in the report submitted under Section 42(1) of the NDPS Act. He further submits that the witnesses are official witnesses, but the informant and the independent witness were not examined. There is a delay of 7 days in



CrIMP(MD)No.12719 of 2026

sending the samples to the laboratory. 100 gms of sample contraband was produced before the court, however, as per the forensic report only 57 gms were available. The trial court has not considered this discrepancy. Mahazar and rough sketch were not prepared. According to the learned counsel the petitioner has been in jail for more than 4 years.

3.The learned Government Advocate submits that the petitioner has involved in a similar offence in Crime No.137 of 2016 and the same is pending and therefore, she opposes bail to the petitioner.

4.This court has considered the rival submissions made.

5.The petitioner has been convicted and sentenced for 10 years imprisonment. The occurrence took place on 11.03.2016, but the petitioner was arrested only on 16.03.2016. The petitioner was in jail from 16.03.2016 to 23.09.2016 and from 31.01.2023 to till date, for more than 4 years. The petitioner has raised certain arguable points, which can be considered only during the final hearing. However, the appeal could not be taken up immediately for want of time. Considering the period of



CrIMP(MD)No.12719 of 2026

incarceration and that the appeal could not be taken up immediately for hearing, this court is inclined to allow this petition.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the II Additional Special Court for NDPS Act Cases, Madurai, and one of the sureties must be a government servant.

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

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.



CrIMP(MD)No.12719 of 2026

(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.

15.07.2026

DSK

To

1. II Additional Special Court for NDPS Act Cases, Madurai,
2. The Inspector of Police,
Cumbum North Police Station,
Theni District.
3. The Superintendent,
Central Prison,
Madurai.

Copy to

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



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CrIMP(MD)No.12719 of 2026

B.PUGALENDHI.J.,

DSK

**CrIMP(MD)No.12719 of 2026
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