

Crl.M.P.(MD)No.10334 of 2026
in Crl.A(MD)No.196 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.07.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10334 of 2026

in Crl.A(MD)No.196 of 2026

T.Vairavan

... Petitioner

versus

The State of Tamil Nadu,
Inspector of Police,
Dhadikombu PS,
Dindigul District.
[Crime No.224 of 2022]

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the I Additional Special Court EC and NDPS Act Cases, Madurai in CC.No.527 of 2023 dated 19.05.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioners : Mr.N.Manimaran

For Respondent : Mrs.S.Moushica,
Government Advocate



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ORDER

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The petitioner is accused No.1 in C.C.No.527 of 2023 on the file of the I Additional Special Court for EC and NDPS Act Cases. There are 20 accused in this case. The trial Court, by its judgment dated 19.05.2025, found the petitioner guilty, convicted and sentenced to undergo 12 years of rigorous imprisonment with a fine of Rs.1,00,000/- and in default to undergo 2 years simple imprisonment for the offence under Sections 8(c) r/w 20 (b)(ii) (C), 25, 27A and 29(1) of the NDPS Act. Challenging the judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A(MD)No.196 of 2026 and the same was admitted by this Court on 16.02.2026. 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 the petitioner and 19 others were prosecuted by the respondent police, as if this petitioner and other accused have transported 32 kgs of ganja and made into small packets and sold the same. The trial court has convicted A1 to A4, A8, A11, A12, A14 and A15 and acquitted the remaining 10 accused of the charges.



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According to him this court has suspended the sentence imposed on the other accused vide common order dated 30.04.2026 in CrlMP(MD)No.925 of 2025 in CrlA(MD)No.794 (A2), CrlMP(MD)No.10362 of 2025 in CrlA(MD)No.735 of 2025 (A3), CrlMP(MD)No.10368 of 2025 in CrlA(MD)No.794 of 2025 (A4), inCrlMP(MD)No.9374 of 2025 in CrlA(MD)No.767 of 2025 (A8), CrlMP(MD)No.9711 of 2025 in CrlA(MD)No.789 of 2025 (A11), CrlMP(MD)No.11214 of 2025 in CrlA(MD)No.892 of 2025 (A12), CrlMP(MD)No.7776 of 2025 in CrlA(MD)No.671 of 2025 (A14) and CrlMP(MD)No.8770 of 2025 in CrlA(MD)No.734 of 2025 (A15).

3.The learned counsel further submits that the petitioner is in jail for the past four years from the date of arrest on 28.07.2022. He has also raised the following grounds in support of this petition.

i. The mandatory provisions under Section 50 of the NDPS Act have not been complied with. The prosecution failed to issue individual communication for search.

ii. PW2 has admitted that she had not read the documents and her signature is not found in any of the documents and she was not aware who had



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prepared the documents.

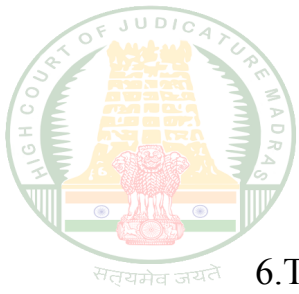
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iii.The provisions under Section 25 of the NDPS Act have not been complied with by proving the ownership of the vehicle alleged to be used for transporting ganja.

iv.The ganja was recovered on 28.07.2022, but it was sent to the court on 23.08.2022 after 33 days and there is no proper explanation for this delay of 33 days.

4.The learned Government Advocate opposes grant of bail to the petitioner that it is a big network, 20 accused have transported ganga of 32 kgs. This ganja was transported from Andhra Pradesh to Dindigul and it was packed in small quantities and was sold by the accused. According to her, the petitioner is the main accused in this case. He has also involved in a similar case. She admits that this court has suspended the sentence imposed on the co-accused as claimed by the petitioner.

5. This Court considered the rival submissions made.



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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 28.07.2022 for the past five years. Considering the period of incarceration, co-accused have 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, however with stringent conditions.

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 I Additional Special Court EC and NDPS Act Cases, Madurai. 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



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respondent police immediately.

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(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.

29.07.2026

DSK

To

1. I Additional Special Court EC and NDPS Act Cases,
Madurai.
2. The Inspector of Police,
Dhadikombu PS,
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.

DSK

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