



*Crl.MP(MD) No.12716 of 2026 in
Crl.A(MD) No.747 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12716 of 2026
in Crl.A.(MD)No.747 of 2026

Jagatheesh

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Pudupettai Police Station.
Crime No.142/2025

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in C.C.No.135 of 2025, dated 28.03.2026, on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and enlarge the petitioner on bail.

For Petitioner : Mr.R.Maheswaran

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



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ORDER

The petitioner, an accused in C.C.No.135 of 2025, on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(B) of NDPS Act	4 years RI	Rs.20,000/-	6 months RI

As against the conviction and sentence imposed by the trial Court in C.C.No.135 of 2025, dated 28.03.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.747 of 2026 and the same was admitted by this Court on 01.07.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 07.05.2025, at about 14.15 hours, the accused was found to be in illegal possession of 1.1 kg of ganja near old bridge, Malattaru, Thiruvamoor. Hence, the case.



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3. The learned counsel appearing for the petitioner submits that the petitioner has been in custody since 28.03.2026. He further submits that the mandatory requirement under Section 42(2) of the NDPS Act, requiring the officer receiving secret information to forthwith forward a copy thereof to his immediate superior officer, has not been complied with. It is further submitted that the mandatory requirement under Section 50(1) of the NDPS Act has also not been complied with, inasmuch as a joint consent letter was obtained. According to him, the prosecution has failed to establish an unbroken chain of custody of the seized contraband. He also submits that the official who carried the sample to the Forensic Science Laboratory has not been examined. Further, non-examination of the material and independent witnesses creates a serious doubt regarding the prosecution case. It is further submitted that though the prosecution alleges that the petitioner was in possession of ganja for the purpose of sale, there is no evidence to establish any monetary transaction relating to the contraband. He also adds that the seized ganja includes stem, stalks and branches and therefore, the same would not fall within the definition of ganja under the NDPS Act.



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4. The learned Government Advocate appearing for the respondent admits that this petitioner was in possession of 1.1 kg of ganja and seeks some accommodation for filing her response as to the antecedents of this petitioner.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Though this Court has granted sufficient time, the respondent Police has not responded to this petition by furnishing the appropriate CCTNS details regarding the antecedents of the petitioner. The quantity of the contraband is 1.1 kg. The contention of the petitioner that the seized ganja contains stems, branches, and stalks can be considered only at the time of final hearing.

7. In view of the above and considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

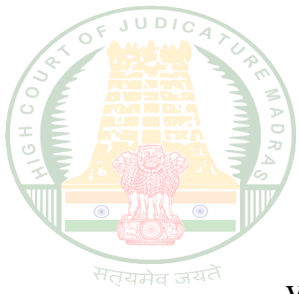


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8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.
- ii. 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.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future.



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v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

9. Considering the conduct of the respondent Police in not responding to this petition and in not providing necessary assistance to the Government Advocate, the Registry is directed to mark a copy of this order to the Superintendent of Police, Cuddalore District, for appropriate action.

08.07.2026

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To

1.The learned Additional District Judge
/ Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.

2.The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.

3.The Superintendent,
Central Prison,
Trichy.



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

5.The Superintendent of Police,
Cuddalore District.



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B.PUGALENDHI, J.,

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