



Crl.MP(MD) No.9202 of 2025in
Crl.A(MD) No.1267 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.9202 of 2025

in Crl.A(MD)No.259 of 2024

Sanjaikumar

... Petitioner/A2

Vs

State through
The Inspector of Police,
Cumbum North Police Station,
Theni District.

... Respondent

Criminal Miscellaneous Petition filed under Section 430(1) BNSS 2023, seeking to suspend the sentence imposed by the I Additional Special Court for NDPS Act, Madurai, in C.C.No.572 of 2022 dated 20.12.2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Thanga Prithvi Rajan

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



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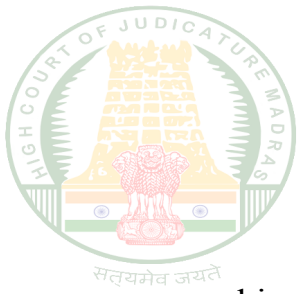
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ORDER

The petitioner is the 2nd accused in C.C.No.572 of 2022 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. They were tried along with other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 29(1) and 25 of NDPS Act. In conclusion of trial, the trial Court, by its Judgment dated 20.12.2023, found the accused persons guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act and convicted and sentenced them as under:

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

Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal in Crl.A.(MD)No.259 of 2024 and the same has been admitted by this Court on 27.03.2024. Along with the appeal, the petitioner has moved a petition in Crl.M.P.(MD)No.3757 of 2024 seeking to suspend the sentence imposed by the trial Court and the same has been dismissed by this Court, by order 08.04.2025. This is the second petition



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seeking to suspend the sentence imposed by the trial Court.

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2. The learned counsel appearing for the petitioner submits that though the contraband was allegedly seized on 10.03.2022, the properties were produced before the Special Court only on 16.03.2022 and the same were taken on file on 17.03.2022 and thereby, raising serious doubt regarding the chain of custody. Further, there was a delay of 12 days in forwarding the sample to the Forensic Science Lab. However, there was no explanation for the said delay. The learned counsel, by relying upon the order of this Court in Crl.M.P.(MD)Nos.4578 of 2024, 7567 and 7570 of 2026, submits that though this Court had earlier dismissed the petition filed by the petitioner along with two co-accused, in Crl.M.P.(MD)Nos.3757, 657 and 719 of 2024, by order dated 08.04.2025, the co-accused have been enlarged on bail by this Court, by suspending the sentence, in Crl.M.P. (MD)Nos.4578 of 2025, 7567 and 7570 of 2026, by a common order dated 30.04.2026. The learned counsel further submits that the petitioner is in jail for the past four years and six months and he has almost completed half of the sentence.



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3. The learned Government Advocate (Crl. Side) opposed this petition stating that the respondent Police has recovered 26 kgs. of ganja from the petitioner/A2. Apart from this case, the petitioner has also involved in six other cases, out of which, three cases are similar in nature. However, she fairly admits that the co-accused have been enlarged on bail by this Court by suspending the sentence in Crl.M.P.(MD)Nos.4578 of 2025, 7567 and 7570 of 2026, by a common order dated 30.04.2026.

4. This Court considered the rival submissions made.

5. The petitioner has raised certain arguable points, however, the same can be considered only during the final hearing of the criminal appeal and the criminal appeal could not be taken up for final hearing immediately for want of time. Further, this Court has already granted bail to the co-accused by suspending the sentence in Crl.M.P.(MD)Nos.4578 of 2025, 7567 and 7570 of 2026, by a common order dated 30.04.2026



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6. In view of the above and also considering the period of incarceration undergone by the petitioner, 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:

(i) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees two lakh only) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act, Madurai. The sureties must be government servants.

(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 not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall report before the trial Court daily at 10.30 a.m. until further orders.



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(v) The petitioner along with sureties shall file an undertaking affidavit that he will not involve in any other offence in future and he will be available for appeal proceedings.

(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 him.

03.07.2026

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To

1. The I Additional Special Court for NDPS Act,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
Cumbum North 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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