



CRL MP(MD) NO. 17025 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.KARTHIKEYAN

CRL MP(MD) NO. 17025 of 2026

in

CRL A(MD)No.1166 of 2025

D.Marudhupandi

Petitioner(s)

Vs

State of Tamil Nadu rep. by,
The Deputy Superintendent of Police,
Thirukattupalli Police Station,
Thanjavur District.
Crime No.274/2024

Respondent(s)

For Petitioner(s):

Mr.C.Kannan

For Respondent(s):

Mr.A.Robinson

Government Advocate (Crl. Side)

Prayer:

To suspend the sentence imposed by judgment dated 04.09.2025 in C.C. No.148 of 2024 by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and enlarge the petitioner on bail pending disposal of the criminal appeal.

ORDER

The petitioner/appellant has come up with the present application seeking to suspend the sentence imposed on the petitioner by the learned Additional District



Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, in C.C.No.148 of 2024 dated 04.09.2025 and grant bail.

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2. The petitioner/appellant was charged for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act. The Trial Court, after trial, found the petitioner guilty of the offences punishable under Sections 8(c) r/w 20(b)(ii) (C) of the NDPS Act and convicted and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.2,00,000/-, in default, to undergo three years rigorous imprisonment. The petitioner has preferred the present appeal and sought for suspension of sentence and bail.

3. The case of the prosecution is that on 17.06.2024, at about 13.45 hours, the petitioner/A1 along with other accused were found to be in illegal possession of 27.370 kgs of ganja. Hence, the case.

4. The learned counsel appearing for the petitioner submits that the petitioner has been in custody from 17.06.2024 till date. He further submits that the recovery of 16.930 kgs of ganja from the petitioner has not been established in the manner known to law. According to him, the prosecution has failed to comply with the mandatory provisions under Sections 42, 50, 52A and 57 of the NDPS Act, thereby vitiating the entire investigation. He further submits that though Ex.P8 relates to the information received by one Mr.Ramadas, the said officer was neither cited as a witness nor examined before the Trial Court. It is also contended that P.W.3 did not identify the material objects and M.Os. S1, S3, S5 and S23



were not properly marked during the trial, thereby depriving the defence of an effective opportunity to cross-examine. The learned counsel further submits that the samples were not drawn at the place of occurrence and that there was an unexplained delay in producing the seized contraband before the Trial Court. He also contended that the prosecution has failed to establish the offence under Section 29(1) of the NDPS Act, as there is no material to prove any conspiracy, such as documentary evidence, bank transactions or Call Detail Records (CDR). According to him, the petitioner has no criminal antecedents. The learned counsel further submitted that the Co-Accused has been granted bail by this Court in CrI.M.P.(MD).No.14328 of 2025 in CrI.A.(MD).No.1095 of 2025 dated 30.06.2026.

5. The learned Government Advocate appearing for the respondent submitted that the petitioner was found in possession of 16.930 kgs of ganja. The Trial Court, after considering the facts and circumstances, convicted the petitioner for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.2,00,000/-, in default, to undergo three years rigorous imprisonment. Hence, he strongly opposed to grant suspension of sentence and bail to the petitioner/appellant.

6. This Court has given its thoughtful consideration to the rival submissions put forth on either side.



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7. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately and that the Co-Accused has been granted bail by this Court in CrI.M.P.(MD).No.14328 of 2025 in CrI.A.(MD).No.1095 of 2025 dated 30.06.2026, this Court is inclined to suspend the sentence imposed by the Trial Court and grant bail to the petitioner/appellant.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and 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.20,000/- (Rupees Twenty 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 sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



iii. The petitioner shall appear before the Trial Court, daily at 10.30 a.m., until further orders.

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iv. The petitioner shall file an affidavit of undertaking before the respondent Police that the petitioner will not involve in any offence in future.

On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

19.08.2026
(S.K.,J.)

Lm

To

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

2.The Deputy Superintendent of Police,
Thirukattupalli Police Station,
Thanjavur District.

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

4.The Central Prison,
Trichy.



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S.KARTHIKEYAN, J.

Lm

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