

Crl.MP(MD)No.158 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.158 of 2026
in Crl.A.(MD)No.14 of 2026

Vasanthan @ Prasanth

... Petitioner

Vs.

The State thro'
The Intelligent Officer,
Narcotic Control Bureau,
Madurai Sub-Zone,
Madurai.
(NCB F.No.48/1/01/2021 NCB-MDU)

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the execution of sentence imposed on the petitioner by the learned I Additional Special Court for NDPS Act Cases, Madurai in C.C.No.619 of 2021 vide order dated 5th April 2025 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.R.M.Sivakumar

For Respondent : Mr.C.Arul Vadivel @ Sekar,
Special Public Prosecutor for NCB.



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ORDER

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The petitioner, is accused No.3 in C.C.No.619 of 2021, on the file of the I Additional Special Court for NDPS Act Cases, Maudrai was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	29(1) r/w 20(b)(ii)(C) and 27A of NDPS Act	12 years RI	Rs.1,00,000/-	2 years SI

As against the conviction and sentence imposed by the trial Court in C.C.No.619 of 2021, dated 05.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.14 of 2026 and the same was admitted by this Court on 07.01.2026. 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 the accused 1 to 3 had conspired together for trafficking of Hashish and on the basis of such conspiracy, on 04.02.2021, A1 was found in possession of 9.140 kgs of Hashish and A2 was found in possession of 16.950 kgs of Hashish oil, both kept in their respective residence and A3, who is the petitioner herein, had procured the contraband and had given financial support to A1 & A2 for transporting the goods. Hence, the case.



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3.The learned counsel for the petitioner submits that the petitioner has been in jail from the date of his arrest, namely, 25.07.2021. According to him, the petitioner has been implicated only on the basis of the confession statement of A1, alleging that he had sponsored certain money to A1. The learned counsel further submits that there are no bad antecedents against the petitioner and that the prosecution has projected the transaction as that the petitioner had funded A1 for the commission of the offence. He further submits that the prosecution case itself was found to be defective and that this Court has already granted bail to A2 in Crl.M.P. (MD)No.4740 of 2026, dated 29.04.2026. Therefore, he seeks bail for the petitioner.

4.The learned Government Advocate(Crl.side) submits that the petitioner is the main accused who funded accused Nos.1 and 2 for the purchase of hashish oil. According to him, 26 kilograms of hashish oil were involved in the case. He further submits that the petitioner has sent Rs. 50,000/- on 21.12.2020, Rs.40,000/- on 29.01.2021 through his mobile No. 7550248917 and Rs.50,000/- on 21.12.2020 through mobile No. 9840465509 and his brother in law, one Raj Vinoth to Johonson's SBI



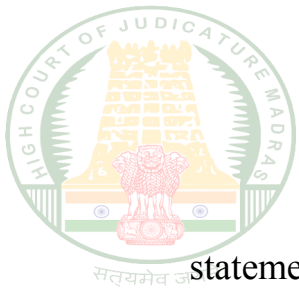
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savings account and Rs.50,000/-. He also submits that, though the petitioner was arrested pursuant to the confession statement, a search was conducted at the petitioner's house, during which instruments used for the consumption of contraband and currency counting machine were recovered. The learned Government Advocate also submits that it is doubtful whether the petitioner is an Indian national or Sri Lankan national.

5.In response to the above submissions, the learned counsel for the petitioner submits that the petitioner is a businessman carrying on salt business. According to him, the petitioner possesses an Aadhaar card, PAN card, Voter Identity Card, Driving Licence and Passport. All these documents were produced before the trial Court and marked as Exhibits D1 to D6. Therefore, the learned counsel submits that the petitioner has deep roots in India and is also prepared to furnish Government sureties to ensure his availability pending the appeal.

6.This Court has considered the rival submissions made on either side and also perused the materials placed on record.

7.The petitioner was arrested on the basis of the confession



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statement of A1 that the petitioner had funded him for purchasing hashish oil. The respondent police recovered 26 kilograms of hashish oil from accused Nos.1 and 2. The prosecution has also found that, just one day prior to the recovery, there was some money transactions between the petitioner to the first accused. On the basis of this transaction, the petitioner has been implicated in the case. The petitioner has been in jail for the past five and half years. This Court has already considered the grant of bail to the second accused, from whom the contraband was recovered.

8.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, this Court is inclined to suspend the sentence imposed on the petitioner.

9.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



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Rs.2,00,000/- (Rupees one lakh only) with two government sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(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 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 the petitioner will not misuse the liberty granted by this Court pending disposal of the appeal and that he will not indulge in any further offence.

(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.

28.07.2026

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To

- 1.The I Additional Special Court for NDPS Act Cases,
Madurai.
- 2.The Intelligent Officer,
Narcotic Control Bureau,
Madurai Sub-Zone,
Madurai.
- 3.The Superintendent,
Central Prison-I,
Puzhal.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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