



Crl.MP(MD) No.5430 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED :29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5430 of 2025

in

Crl.A(MD) No.75 of 2024

Rajesh

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Narcotic Intelligence Bureau CID,
Madurai
Crime No.97 of 2016

... Respondent

For Petitioner : Mr.Niranjan S. Kumar

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner/ A1 in CC No.25 of 2016 along with two other accused were tried by the Principal Special Court for EC & NDPS Act cases, Madurai and in conclusion of the trial, he was found guilty for the offence under Section 8(C) r/w 20(b)(ii)(C), 27 (A) & 29(1) of NDPS Act and was sentenced to undergo 10 years rigorous imprisonment with fine of Rs.1,00,000/- and default sentence of 6 months simple



Crl.MP(MD) No.5430 of 2025

WEB COPY

imprisonment was also imposed. As against the conviction and sentence imposed by the learned Judge, Principal Special Court for EC & NDPS Act cases, Madurai in CC No.25 of 2017, dated 24.08.2025, the petitioner has filed an appeal before this Court in Criminal Appeal No. 75 of 2024 and the same was admitted by this Court on 30.01.2024. The petitioner has also moved this application to suspend the sentence imposed on him as stated supra.

2.The case of the prosecution is that when the respondent police has intercepted the vehicle of A1 to A3, near Madurai Railway junction, they were in possession of 24 kg of ganja. Since all the three accused have been arrested from the railway junction, the case has been projected as if all the accused have procured ganja to an extent of 24kg from Andhra Pradesh and transported the same through train. Therefore, the petitioner was found guilty along with other accused and he was convicted as stated supra. The petitioner has already moved applications in Crl.MP(MD) Nos.11231 of 2024 and 1274 of 2024 to suspend the sentence imposed on him and those applications were dismissed by this Court on 25.10.2024 & 18.03.2024 respectively. This is the third application filed by this petitioner, seeking suspension of sentence.

3.The learned counsel appearing for the petitioner submits that the earlier applications filed by these petitioner were meant for interim bail on medical grounds, however, the same was not accepted by this Court. He further submits that the



Crl.MP(MD) No.5430 of 2025

WEB COPY

recovery from this petitioner is only 8 kg of ganja. He further submits that A3, who is similarly placed was considered for suspension of sentence in Crl.MP(MD) No.4760 of 2025 in Crl.A(MD) No.75 of 2024, dated 08.04.2025.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the contraband recovered in this case is of commercial quantity and all the three accused were in possession of 8 kg of ganja each and therefore, it needs to be treated as commercial quantity of ganja. Apart from this, this petitioner has involved in yet another case of similar in nature. Therefore, he objected for grant of suspension of sentence to this petitioner.

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

6.Admittedly, 8 kg of ganja has been recovered from this petitioner. Though the learned Additional Public Prosecutor claims that the petitioner has involved in yet another case of similar in nature, it is reported that he has not been convicted in that case. It is to be noted that the sentence as against the co-accused/A3 has been suspended by this Court, by its order, in Crl.MP(MD) No.4760 of 2025 in Crl.A(MD) No.75 of 2024, dated 08.04.2025.

7. Considering the points raised by the petitioner and for the reasons that the appeal could not be taken up immediately and also considering the period of



Crl.MP(MD) No.5430 of 2025

incarceration, this Court is inclined to suspend the sentence imposed on the
WEB COPY
petitioner.

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.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act cases, Madurai, out of which, one surety must be a Government servant.
- ii. The petitioner has to pay the fine amount imposed by the trial Court.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m., and 5.00 p.m, till the disposal of the appeal.
- iv. The petitioner shall file an affidavit of undertaking before the respondent police that he will not involve in any offence in future.



Crl.MP(MD) No.5430 of 2025

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

sd/-
29/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

To

1.THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.

2.THE INSPECTOR OF POLICE,
NARCOTIC INTELLIGENCE BUREAU CID,
MADURAI.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to NIRANJAN S. KUMAR Advocate SR.No.5240(I) DT.30.04.2025



WEB COPY



CrI.MP(MD) No.5430 of 2025

ORDER IN
CrI.MP(MD) No.5430 of 2025
in
CrI.A(MD) No.75 of 2024
Date :29/04/2025

PP/SAR. /30.04.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.