

CrIMP(MD)No.674 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.674 of 2024
in
CrIA(MD)No.65 of 2025**

P.Ravi

...Petitioner

Vs

**State represented through
The Inspector of Police,
NIB-CID, Dindigul.
[Crime No.110 of 2014]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai passed in CC.No.46 of 2015, dated 21.09.2014 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.N.Manimaran

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



CriMP(MD)No.674 of 2024

ORDER

WEB COPY

This petitioner is sole accused in C.C.No.46 of 2015 on the file of the I Additional Special Court for NDPS Act Cases Madurai. He was, tried and by judgment dated 21.09.2014, he was found guilty, convicted under Section 8(c) read with 20(b) (ii) (c) and 25 of NDPS Act and sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.1,00,000/-, and in default, to undergo 12 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in CrI.A(MD)No.65 of 2024 and the same has been admitted by this Court on 18.06.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The case of the prosecution is that based on the secret information, when the police were checking the vehicles, the petitioner was found in possession of 23kgs ganja on 21.09.2014 and transporting the same in a two wheeler near Mullipadi on Trichy to Dindigul road.



CriMP(MD)No.674 of 2024

WEB COPY

3.The learned counsel for the petitioner submits that the contraband is said to have been seized from the petitioner on 21.09.2014, however the same has been produced before court concerned only on 27.11.2014 after a period of 67 days. According to him, the contraband was not produced when the petitioner was remanded before the Judicial Magistrate concerned, but it was produced only before the Special Court only on 27.11.2014. He further submits that the mandatory provisions under Section 42(1), 42(2), 52(A), 55 and 57 of the NDPS Act have not been complied with. He further submits that the petitioner is in jail from 30.11.2023 and during the trial he was in jail for 214 days, totally more than three years.

4.The learned Additional Public Prosecutor appearing for the respondent submits that there is no necessity for producing the contraband before the Judicial Magistrate Court, when the seizure is proved in the manner known to law. He has also relied on Section 52A of the NDPS Act. He further submits that the petitioner has also involved in another case similar nature.



WEB COPY

5.This court has considered the rival submissions made.

6.Disposal of seized narcotic drugs and psychotropic substances are dealt with under Sub Section 2 of Section 52-A of NDPS Act, which reads as under:

“52-A.Disposal of seized narcotic drugs and psychotropic substances:

(2)..... ... In any proceedings under this Act and make an application, to any Magistrate for the purpose of -

(a) certifying the correctness of the inventory so prepared ; or

(b) taking, in the presence of such Magistrate, photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of Magistrate and certifying the correctness of any list of samples so drawn.”

7.It appears that none of the above provisions has been complied with. The contraband which has been seized on 21.09.2014 from the petitioner has been produced before the court only on 29.11.2014.



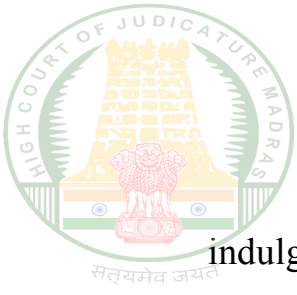
CrIMP(MD)No.674 of 2024

8.The petitioner has raised certain arguable points in this petition, 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. The petitioner is in jail from the date of conviction on 30.11.2023 and was already in jail for seven months during the trial. Considering the the period of incarceration already undergone, for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

9.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing 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 I Additional Special Court for NDPS Act Cases, Madurai and one of the sureties must be a government servant.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not



Crimp(MD)No.674 of 2024

indulge in any further offence and he will be available during the appeal proceedings.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

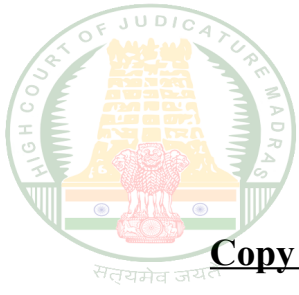
(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

15.04.2026

DSK

To

1. The Inspector of Police,
NIB-CID, Dindigul.
2. I Additional Special Court
NDPS Act Cases, Madurai.
3. The Superintendent,
Central Prison,
Madurai.



CriMP(MD)No.674 of 2024

Copy to

WEB COPY

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



WEB COPY



CrIMP(MD)No.674 of 2024

B.PUGALENDHI.J.,

DSK

**CrIMP(MD)No.674 of 2024
in
CrIA(MD)No.65 of 2024**

15.04.2026