



Crl.M.P.(MD)No.2292 of 2026

in Crl.A.(MD)No.160 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2292 of 2026

in Crl.A.(MD)No.160 of 2026

Chinnaraja

... Petitioner

versus

The State of Tamil Nadu,
The Inspector of Police,
Madurai NIB CID,
Madurai District.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner passed by the learned Principal Special Judge for EC and NDPS Act Cases, Madurai in C.C.No.567 of 2023 dated 06.05.2025 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner is the accused No.1 in C.C.No.567 of 2023 on the file of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with four other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act and Sections 488 and 471 IPC that the accused persons carried 52 kgs. of ganja in the vehicles bearing Reg.Nos.TN 06 FC 2247, TS 60 AHG 2082. The case was split up as against the accused Nos.3 to 5 in C.C.No.210 of 2024. After the trial, the trial Court, by its Judgment dated 06.05.2025, found the petitioner/A1 and A2 guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act, convicted and sentenced them to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs. 1,00,000/- each, in default to undergo simple imprisonment for six months each. Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal before this Court in Crl.A.(MD)No.160 of 2026 and the same was admitted by this Court on 03.02.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.



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2. The learned counsel appearing for the petitioner submits that the contraband was recovered on 10.12.2022, but, it was produced before the Court belatedly. However, there was no proper explanation on the side of the prosecution for the said delay. According to the prosecution, the contraband was seized from the accused persons in public place, but, in order to substantiate the same, no independent witness was examined and no document was produced during the trial. Further, no rough sketch or observation mahazar was prepared to show the occurrence spot. He further submits that the investigating officer has not followed the mandatory procedures as required under Sections 42, 50(1) and 50(6) of NDPS Act and the manner of recording the report under Section 57 of NDPS Act. Therefore, the petitioner is having certain arguable points in this appeal. Since the petitioner is in jail for more than three years, he seeks to grant bail to the petitioner.

3. The learned Additional Public Prosecutor submits that all the accused persons were arrested with the contraband. Further, the petitioner is having one previous case of IPC offence.

4. This Court considered the rival submissions made.



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5. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time. Further, the petitioner is in jail for more than 3 years.

6. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.

7. 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai.

(ii) The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he



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will be available during the appeal proceedings.

(iii) 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.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(v) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders and also file an affidavit that he will not indulge in any other offence in future and he will be available during the 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.

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To



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1. The learned Principal Special Judge for
EC and NDPS Act Cases,
Madurai
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Madurai NIB CID,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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