



Crl.MP(MD) No.4740 of 2026 in
Crl.A(MD) No.558 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4740 of 2026

in

Crl.A(MD) No.558 of 2025

Bistis

... Petitioner

Vs

The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone,
Madurai.

NCB F.No.48/01/2021/NCB-MDU

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to suspend the sentence imposed on the petitioner in CC No.619 of 2021, dated 05.04.2025, on the file of the I Additional Special Court for NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.R.Anand

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



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ORDER

The petitioner, who is A2 in CC No.619 of 2021, on the file of the I Additional Special Court for NDPS Act cases, Madurai was tried along with two other accused that they were in possession of 19.950 kg of hashish oil. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 20(b) (ii) (c), 29(1) of NDPS Act.	12 years Rigorous imprisonment	Rs.1,00,000/-	Two years simple imprisonment

As against the conviction and sentence imposed by the trial Court in CC No.619 of 2021, dated 05.04.2025, the petitioner has filed Criminal Appeal in Crl.A(MD) No.558 of 2025 and the same was admitted by this Court, by order, dated 12.06.2025. Along with the appeal, the petitioner has also moved an application in Crl.MP(MD) No.6394 of 2025 for suspension of sentence and the same was dismissed on 26.09.2025; the earlier application was in fact dismissed considering the period of sentence suffered by this petitioner, pursuant to the judgment of the trial court. This is the second application filed



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by this petitioner for suspension of sentence, on the ground that the period of imprisonment undergone by the petitioner during the trial was not considered by this Court.

2.The learned counsel appearing for the petitioner submits that the period of sentence suffered by this petitioner even during the trial can be reckoned as a period of imprisonment. The learned counsel further submits that the petitioner is also having merits that the contraband said to have been seized from this petitioner on 06.02.2021 reached the Court only on 09.02.2021. According to him, the samples have not been properly collected. This petitioner is also having some other valid grounds in support of his appeal. According to the learned counsel, this petitioner has been convicted for a period of 12 years and he is in jail from 07.02.2021 to till date, thus he has completed half of the sentence. Therefore, he may be considered for grant of suspension of sentence.

3.The learned Special Public Prosecutor appearing for the



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respondent submits that the appeal filed by A3 along with an application for suspension of sentence is posted in the month of June-2026 and this application can be taken up along with that application. According to him, the petitioner was in possession of 19.950 kg of hashish oil, which is a huge quantity and therefore this petition needs to be rejected.

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

5.The petitioner was tried along with the other accused that he was in possession of 19.950 kg of hashish oil. According to the prosecution, the contraband has been supplied by the A3/a Srilankan citizen to A1 and from A1, this petitioner has obtained the same. The petitioner was arrested on 07.02.2021 and since then he is in jail. The trial Court has found him guilty, convicted for a period of 12 years and this petitioner has almost completed half of the sentence.



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6.The petitioner has raised certain grounds in the appeal.

However, the same can be decided only during the final hearing of the appeal. The appeal could not be taken up immediately for want of time. Considering the period of incarceration and that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner. However, considering the objections of the learned Special Public Prosecutor that this petitioner is a fisherman and if he is released on bail, he may indulge in further offence, this Court imposes certain stringent conditions on the petitioner.

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 a sum of Rs.2,00,000/- (Rupees Two Lakhs) with two sureties each for a like sum to



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the satisfaction of the learned Judge,I Additional Special Court for NDPS Act cases, Madurai and the sureties must be Government servants.

- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not involve in any offence in future and he will be available during the final hearing of the appeal. The petitioner shall also file an affidavit to that effect.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.
- iv. In the event, if there is any change in address of the petitioners, the same shall be duly informed to the respondent police without fail.
- v. If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel



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the bail granted to him.

29.04.2026

Index : Yes/No

Internet : Yes/No

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To

1.The I Additional Special Court for NDPS Act cases, Madurai

2.The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone,
Madurai.

3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

Copy to

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

B.PUGALENDHI, J.,



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