



Crl.M.P.(MD)No.3665 of 2025

in Crl.A.(MD)No.350 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3665 of 2025

in Crl.A.(MD)No.350 of 2025

Balamurugan

... Petitioner

versus

State of Tamil Nadu, Rep. by
The Inspector of Police,
Sedapatti Police Station,
Madurai District.
Crime No.50 of 2022

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed on the petitioner, by the learned Additional District Judge, Special Court for EC and NDPS Act Cases, Madurai, in C.C.No.818 of 2022 dated 30.09.2024 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.A.Vignesh

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



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ORDER

The petitioner is the 1st accused in C.C.No.818 of 2022 on the file of the learned Additional District Judge, Special Court for EC and NDPS Act Cases, Madurai. He was tried along with two others for the offence under Sections 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act that the contraband of 41 kgs. of ganja has been recovered from the petitioner's shed. After the trial, the trial Court, by its Judgment dated 30.09.2024, acquitted the accused Nos.2 and 3 from the charges levelled against them, however, convicted the petitioner for the offence under Section 8(c) r/w. 20(b)(ii)(C) of the NDPS Act and sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for six months. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.350 of 2025 and the same was admitted by this Court on 19.03.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submits that the alleged contraband of 41 kgs. of ganja has not been recovered from the petitioner or from his land. However, the prosecution has laid the final report that the contraband has been recovered from a shed, which belongs to the petitioner. According to him, it has not been substantiated by the investigating agency through any document that the shed, from where, the contraband has been recovered, belongs to the petitioner. However, the trial Court has simply relied on the prosecution case and found the petitioner guilty and convicted and sentenced him as stated supra. The trial Court has disbelieved the prosecution case as against the accused Nos.2 and 3 and acquitted them, however, erroneously convicted the petitioner that the contraband has been recovered from the shed, which belongs to him. He further submits that the petitioner is in jail for the past four years. Therefore, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Additional Public Prosecutor submits that the recovery was made from the petitioner and the alleged shed belongs to the 3rd accused, however, it has been wrongly mentioned in the Judgment rendered by the trial Court that the alleged shed belongs to the petitioner/1st accused.



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4. This Court considered the rival submissions made.

5. The petitioner has been prosecuted along with accused Nos.2 and 3. The trial Court acquitted the accused Nos.2 and 3, however, found the petitioner guilty that the contraband has been recovered from the shed which belongs to him. The learned Additional Public Prosecuted has disputed that the contraband has been recovered from the petitioner directly and the alleged shed belongs to the 3rd accused.

6. Considering the fact that the petitioner is having certain arguable points in this appeal and the appeal could not be taken up for final hearing immediately for want of time and also considering the fact that the petitioner is in jail for the past four years, this Court is inclined to suspend the sentence with 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:



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(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 I Additional Special Court for 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 will be available till the disposal of the appeal proceedings.

(iii) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders.

24.03.2026

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To

1. The learned Additional District Judge,
Principal Special Court for EC and NDPS Act Case,
Madurai.
2. The Superintendent,
Central Prison, Madurai.

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3. The Inspector of Police,
Sedapatti Police Station,
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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