



Crl.M.P.(MD)No.5486 of 2026

in Crl.A.(MD)No.906 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

CORAM

**THE HONOURABLE MR JUSTICE B.PUGALENDHI**

**Crl.M.P.(MD)No.5486 of 2026**

**in Crl.A.(MD)No.906 of 2025**

Ajay Kannan

... Petitioner/A6

versus

State of Tamilnadu Rep. by  
The Inspector of Police,  
Dindigul West Town PS,  
Dindigul District.  
Crime No.568 of 2022

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed by the learned I Additional Special Court for NDPS Act Cases, Madurai District, in C.C.No.645 of 2023 dated 15.04.2025 and enlarge the petitioner on bail pending disposal of the abovesaid criminal appeal.

For Petitioner : Mr.S.Sakthivel

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



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## **ORDER**

The petitioner is the 6<sup>th</sup> accused in C.C.No.645 of 2023 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried along with eight other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act that the accused Nos.1 to 6 were found in possession of 21 kgs of ganja, which was kept for being transported in two wheelers and accused Nos.5 and 6 came there with Rs.10,000/- to purchase some ganja for retail sale and accused Nos.7 to 9 were found in possession of 2 kgs. of ganja and they have also hidden 14 kgs. of ganja in a garden belonging to the 8<sup>th</sup> accused. After the trial, the trial Court, by its Judgment dated 15.04.2025, acquitted the accused Nos.4, 5, 8 and 9 from the charges, however, found the accused Nos.1 to 3, 6 and 7 guilty, convicted and sentenced them as under:

|          | <b>Sections</b>                              | <b>Punishment</b>                   | <b>Fine amount</b> | <b>Default</b>                   |
|----------|----------------------------------------------|-------------------------------------|--------------------|----------------------------------|
| A1 to A3 | 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act | 10 years rigorous imprisonment each | Rs.1,00,000/- each | 2 years simple imprisonment each |
| A6       | 29(1) r/w. 20(b)(ii)(C) of NDPS Act          | 10 years rigorous imprisonment each | Rs.1,00,000/- each | 2 years simple imprisonment each |



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|    |                                           |                                     |             |                                     |
|----|-------------------------------------------|-------------------------------------|-------------|-------------------------------------|
| A7 | 8(c) r/w. 20(b)<br>(ii)(B) of<br>NDPS Act | 7 years<br>rigorous<br>imprisonment | Rs.70,000/- | 18 months<br>simple<br>imprisonment |
|----|-------------------------------------------|-------------------------------------|-------------|-------------------------------------|

Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal before this Court in Crl.A.(MD)No.906 of 2025 and the same has been admitted by this Court on 01.09.2025. Along with this appeal, the petitioner moved a petition in Crl.M.P.(MD)No.11405 of 2025 seeking to suspend the sentence and the same was dismissed by this Court, by order dated 20.01.2026. This is the second petition filed by the petitioner seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that there is no recovery from the petitioner. The allegation as against the petitioner is that he is the friend of the 2<sup>nd</sup> accused and he was found near the house of the 2<sup>nd</sup> accused at the time of occurrence along with the 5<sup>th</sup> accused and a sum of Rs.10,000/- in cash has been recovered from the petitioner/A6. Apart from this averment, there is no other material as against the petitioner/A6. According to him, the recovery of contraband was made from the backside of A2's house and then, A7 and from the garden of A8. Therefore, there is no recovery from this



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petitioner. Further, the co-accused, namely, A7 was enlarged on bail by suspending the sentence, by order dated 04.03.2026, in Crl.M.P.(MD)No.110 of 2026 in Crl.A.(MD)No.3 of 2026, A3 was also enlarged on bail by suspending the sentence, by order dated 16.06.2025 in Crl.M.P.(MD)No.7071 of 2025 in Crl.A.(MD)No.643 of 2025 and A2 was also granted bail by suspending the sentence, by order dated 03.03.2026 in Crl.M.P.(MD)No.18635 of 2025 in Crl.A.(MD)No.1277 of 2025. The learned counsel further submits that the petitioner is not having any bad antecedent. Since the petitioner is in jail for nearly 3 years and 4 months, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Additional Public Prosecutor submits that in this case, 37 kgs. of ganja has been recovered. He fairly submits that there is no recovery of contraband from this petitioner, however, a sum of Rs.10,000/- has been recovered from him. He further submits that the petitioner was found near the house of the 2<sup>nd</sup> accused and he is also the friend of 2<sup>nd</sup> accused and therefore, he was in conscious possession of the contraband.



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4. This Court considered the rival submissions made.

5. The petitioner has been prosecuted as accused No.6 that he is the friend of 2<sup>nd</sup> accused, from whose house, some contraband has been recovered. In this case, 37 kgs. of ganja has been recovered from accused Nos.2, 7 and 8. The recovery from the petitioner is only a sum of Rs.10,000/-. Further, the co-accused, namely, A2, A3 and A7 were granted bail by suspending their sentence.

6. In view of the above and also considering the period of incarceration, this Court is inclined to suspend the sentence with certain conditions. 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.50,000/- (Rupees fifty thousand 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



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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.

**29.04.2026**

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To

1. The I Additional Special Court for NDPS Act Cases,  
Madurai.
2. The Superintendent,  
Central Prison, Madurai.
3. The Inspector of Police,  
Dindigul West Town PS,  
Dindigul District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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