



Crl.MP(MD) No.7150 of 2026 in  
Crl.A(MD) No.411 of 2026

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 17.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.MP(MD) No.7150 of 2026

in

Crl.A(MD) No.411 of 2026

Kannadhasan

... Petitioner

Vs

The State rep by its,  
The Inspector of Police,  
Karimedu Police Station,  
Madurai District.  
[Crime No.904 of 2023]

... Respondent

**Prayer :-** This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023 to suspend the sentence the execution of the sentence by granting bail in CC No.93 of 2024, dated 09.07.2025 on the file of the II Additional Special Court for NDPS Act Cases, Madurai, Madurai District pending disposal of the above criminal appeal.

For Petitioner : Mr.V.Kathirvelu Senior Counsel  
for Mr.K.Prabhu  
For Respondent : Mrs.V.Moushica,  
Government Advocate



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## **ORDER**

The petitioner is A1 in CC No.93 of 2024, on the file of the II Additional Special Court for NDPS Act cases, Madurai. He was tried along with the other accused that the accused persons have transported 51 kg of ganja in a Car bearing Registration No.TN 81 C 7312. 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) of NDPS Act. | 10 years Rigorous imprisonment | Rs.1,00,000/- | 1 year simple imprisonment |
| 2.    | 25 of NDPS Act                       | 10 years Rigorous imprisonment | Rs.1,00,000/- | 1 year simple imprisonment |
| 3.    | 29 (1)of NDPS Act                    | 10 years Rigorous imprisonment | Rs.1,00,000/- | 1 year simple imprisonment |

As against the conviction and sentence imposed by the trial Court in CC No.93 of 2024, dated 09.07.2025, the petitioner/ A1 has filed a Criminal Appeal in Crl.A(MD)No.411 of 2026, A2, A3 and A4 have filed Crl A(MD)Nos.1219 of 2025, 861 of 2025 and 818 of 2025 respectively and the same were admitted by this Court on the grounds raised in the



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criminal appeals. Along with the appeal, the petitioner has moved this application to suspend the sentence imposed on him.

2.The learned senior counsel appearing for the petitioner submits that the petitioner is accused No.1 and he is in jail from 13.10.2023. He further submits that the sentence as against A2, A3 and A4 was suspended by this court vide order dated 06.04.2026 in CrlMP(MD)No.17214 of 2025 and vide order dated 24.04.2026 in CrlMP(MD)No.10724 of 2025 and CrlMP(MD)No.4057 of 2026.

3.The learned senior counsel further submits that the property in this case has been recovered on 13.10.2023, however it was produced before the court only on 18.10.2023, with a delay of 5 days. Therefore, the learned senior counsel submits that the contraband has not been recovered from this petitioner on the date of his arrest. He also points out that there is no independent witness. The mandatory provisions under Section 50 of the NDPS Act have not been complied with.



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4.The learned Government Counsel appearing for the respondent police submits that 51 kgs of ganja has been recovered from the petitioner. He further submits that apart from this case, the petitioner has involved in the following cases:

| Sl. No | Name of the Police Station & Crime No. | Crime Nos.   | offences                                      |
|--------|----------------------------------------|--------------|-----------------------------------------------|
| 1      | C5 Karimedu PS                         | 274 of 2012  | 75 TNCP Act                                   |
| 2      | C5 Karimedu PS                         | 1062 of 2013 | 75 TNCP Act                                   |
| 3      | C5 Karimedu PS                         | 1043 of 2014 | 392 r/w 397 IPC                               |
| 4      | C5 Karimedu PS                         | 549 of 2015  | 294(b), 307, 506(ii) IPC                      |
| 5      | C5 Karimedu PS                         | 405 of 2017  | 392 r/w 397, 506(ii) and 25 (1-A) of Arms Act |
| 6      | C5 Karimedu PS                         | 969 of 2017  | 392 r/w 397 and 506(ii) IPC                   |
| 7      | C5 Karimedu PS                         | 1868 of 202  | 75 of TNCP Act                                |
| 8      | C5 Karimedu PS                         | 268 of 2021  | 75 of TNCP Act                                |
| 9      | C5 Karimedu PS                         | 345 of 2023  | 452, 294(b), 323, 387, 506(ii) IPC            |
| 10     | D3 Koodal Pudhur PS                    | 531 of 2010  | 147, 148, 307 and 324 IPC                     |
| 11     | D3 Koodal Pudhur PS                    | 238 of 2011  | 110(a) CrPC                                   |
| 12     | C3 SS Colony PS                        | 1223 of 2012 | 75 of TNCP Act                                |
| 13     | C3 SS Colony PS                        | 1381 of 2016 | 120(b), 294(b), 307, 323, 341, 506(ii) IPC    |
| 14     | C3 SS Colony PS                        | 803 of 2018  | 75 of TNCP Act                                |



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| Sl. No | Name of the Police Station & Crime No. | Crime Nos.   | offences                   |
|--------|----------------------------------------|--------------|----------------------------|
| 15     | C4 Thilagar Thidal PS                  | 2443 of 2011 | 379 IPC                    |
| 16     | C4 Thilagar Thidal PS                  | 948 of 2013  | 110 (a) CrPC               |
| 17     | Melavalavu PS, Madurai                 | 270 of 2019  | 147, 148, 302, 506(ii) IPC |

Therefore, he has raised his objection for suspending the sentence.

5.This court has considered the rival submissions made and also perused the materials placed on record.

6.The petitioner is in jail from 13.10.2023. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the criminal appeal. However the appeal could not be taken up immediately, for want of time. The objection of the learned Government Counsel is pertaining to the antecedents of the petitioner. Out of 17 cases projected as against the petitioner, 6 cases have been registered under Section 75 of TNCP Act and 2 cases are registered under Section 110 CrPC. Considering the fact that the sentence imposed against A2 to A4 have been suspended by this court vide orders dated 06.04.2026 and



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24.04.2026, the period of incarceration and that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence imposed on him with the following 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 a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the II Additional Special Court for NDPS Act cases, Madurai and the sureties must be Government servants.
- ii. The petitioner and the sureties shall 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.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.



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iv. 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.

**17.06.2026**

Index : Yes/No  
Internet : Yes/No

DSK

To

- 1.The II Additional Special Court  
for NDPS Act cases, Madurai.
- 2.The Inspector of Police,  
Karimedu Police Station,  
Madurai District.
- 3.The Superintendent,  
Central Prison,  
Madurai.

Copy to

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



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**B.PUGALENDHI, J.,**

DSK

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