



CrIMP(MD)No.7296 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.7296 of 2026
in
CrIA(MD)No.420 of 2026**

Vijayan

...Petitioner

Vs

**State rep by
the Inspector of Police,
Aruppukottai Town Police,
Virudhunagar District.
[Crime No.299 of 2022]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the Additional District and Sessions Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai dated 11.03.2025 in CC.No.176 of 2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.J.Jeyaaron Raja

For Respondent : Mr.A.Robinson,

Government Advocate



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ORDER

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The petitioner is accused No.2 in CC.No.176 of 2023 on the file of the Special Court for EC and NDPS Act Cases, Pudukottai. He was tried and by judgment dated 11.03.2025, he has been convicted and sentenced to undergo 12 years of rigorous imprisonment with a fine of Rs.3,60,000/- and in default to pay the fine, to undergo six months simple imprisonment for the offence under Section 8(c) r/w 20(b)(ii)(C), 25, 27A and 29(1) of NDPS Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.420 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 07.04.2026.

2.The learned counsel appearing for the petitioner submits that PW1 deposed as if the contraband was recovered on the spot and recovery mahazar was prepared, but the petitioner's name does not find place in the recovery mahazar. But PW3 deposed that the offending vehicle was brought to the police station and recovery was made and hence, the recovery is doubtful. There is a delay of 32 days in sending the



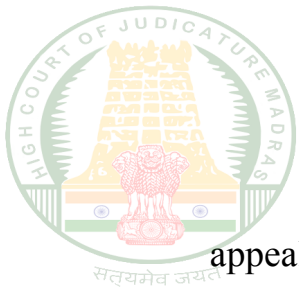
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contraband to the Forensic Lab and PW9 Inspector of Police has admitted that no document is produced or marked for having kept the contraband under safe custody. The provisions under Sections 52-A of the NDPS Act have not been complied with. The prosecution has not established the ownership of the offending vehicle and they have not established the conscious possession of recovered contraband. He further submits that co-accused A4 and A3 were already enlarged on bail by this court and the petitioner is also similarly placed that of A4 and A3. The petitioner is in jail for 3 years and 4 months.

3.The learned Government Advocate confirmed that the sentence of A4 and A3 has been suspended by this court. However, he opposes this petition that the petitioner involved in a similar offence in Crime No.482 of 2020 on the file of the Thirumangalam Town Police Station.

4.This court has considered the rival submissions made.

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the



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appeal could not be taken up for final hearing for want of time.

Considering the points raised by the petitioner and that the appeal could not be taken up immediately, the petitioner's period of incarceration, and co-accused have been enlarged on bail, this Court is inclined to allow this petition.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal on the following conditions:

(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the Additional District and Sessions Judge/ Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai and one of the sureties must be a government servant.

(ii)The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any further offence.

(iii)The petitioner shall report before the respondent police daily at 10.30am.



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(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order granting suspension of sentence.

30.06.2026

DSK

To

- 1.The Sub Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai, Virudhunagar.
- 2.The Additional District and Sessions Judge /
Presiding Officer,
Special Court for EC and NDPS Act Cases,
Pudukottai.
- 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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