



**CrIMP(MD)No.4753 of 2025**

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

WEB COPY

DATED : 15.04.2026

CORAM:

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

**CrIMP(MD)No.4753 of 2025  
in  
CrIA(MD)No.432 of 2025**

Malaisamy

...Petitioner

Vs

The State of Tamil Nadu  
Represented by,  
the Inspector of Police,  
NIB-CID,  
Madurai District.  
[Crime No.30 of 2021]

... Respondent

**PRAYER:** Petition filed under Section 430 r/w 483 of BNSS, to suspend the execution of sentence of imprisonment passed in the judgment of conviction and sentence in CC.No.541 of 2021, I Additional Special Court for NDPS Act Cases, Madurai dated 31.01.2024 and enlarge the petitioner on bail pending disposal of the main criminal appeal.

For Petitioner : Mr.S.Mandhiringeswaran

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



**CrlMP(MD)No.4753 of 2025**

## **ORDER**

WEB COPY

The petitioner is sole accused in CC.No.541 of 2021 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. By the judgment dated 31.01.2024 the petitioner was found guilty, convicted for the offence under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo twelve months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.432 of 2025 and the same has been admitted by this Court on 08.04.2025.

2.The case of the prosecution is that on 14.09.2021 at about 8.45 hrs, the petitioner was found in possession of 22 kgs of ganja kept in a white colour polythene bag in his two wheeler. Hence the case.

3.The learned counsel for the petitioner submits that there is no independent witness in this case to the prove the case of the prosecution,



**CrlMP(MD)No.4753 of 2025**

when the alleged occurrence took place in a public place and all the witnesses are interested witnesses. The mandatory provisions under Section 50 of the NDPS Act are not complied with. The petitioner is not the owner of the vehicle. He further submits that the petitioner is in jail from 15.09.2021 and he is now confined at Central Prison, Trichy.

4.The learned Additional Public Prosecutor submits that the trial court has considered the prosecution witnesses and the documents and rightly convicted the petitioner. The petitioner is not having any previous case.

5.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the period of incarceration and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

6.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending



**CrlMP(MD)No.4753 of 2025**

disposal of the criminal appeal on the following conditions:

WEB COPY

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(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. He will be available during this appeal proceedings.

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

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

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

15.04.2026

Index : Yes / No

DSK

4 / 6



**CrlMP(MD)No.4753 of 2025**

To

- 1.The Inspector of Police,  
NIB-CID, Madurai District.
- 2.I Additional Special Court  
for NDPS Act Cases, Madurai.
- 3.The Superintendent,  
Central Prison,  
Trichy.

**Copy to**

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



WEB COPY



**CrIMP(MD)No.4753 of 2025**

**B.PUGALENDHI.J.,**

DSK

**CrIMP(MD)No.4753 of 2025  
in  
CrIA(MD)No.432 of 2025**

15.04.2026