



CrIMP(MD)No.5069 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.5069 of 2025
in
CrIA(MD)No.450 of 2025**

Arjunan

...Petitioner

Vs

**State of Tamil Nadu rep by
The Inspector of Police,
NIB-CID,
Theni District.
[Crime No.27 of 2020]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai district in CC.No.139 of 2020 dated 11.04.2023 and enlarge the appellant on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.SMA.Jinnah

**For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate**



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ORDER

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The petitioner is sole accused in CC.No.139 of 2020 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. By judgment dated 11.04.2023, the petitioner was found guilty, convicted for the offence under Section 8(c) r/w Section 20(b)(ii)(C) the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo 12 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.450 of 2025 and the same has been admitted by this Court on 17.04.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The case of the prosecution is that the petitioner was found in possession of 22kgs ganja on 13.03.2020 and transporting the same in two wheeler on Theni -Cumbum Road.

3.The learned counsel for the petitioner submits that though the contraband is alleged to be 22kgs of ganja, leaves, seeds, stems and



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stalks were also taken into account for weighing the contraband. There are different versions with regard to the secret information and it has not been proved. In the FIR, the particulars regarding the general diary is not mentioned and the type of information is also shown as suo-motu. Therefore, the secret information was not really received and that the very case of the prosecution itself is suspicion. Further it is stated that the search was conducted in a public place, however no independent witness has been examined. The procedures laid in Section 52A of the NDPS Act has not been followed properly. He further submits that the petitioner is in jail for six years, which is more than the half of the punishment.

4.The learned Government Advocate appearing for the respondent strongly opposed this petition that this petitioner is having three other cases, of which two cases relating to NDPS Act, which are pending trial.

5.This court has considered the rival submissions made.

6.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal.



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However the appeal could not be taken up for final hearing for want of time. The petitioner has already undergone half of the sentence imposed on him. Considering the period of sentence imposed, the period of incarceration already undergone and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition, however with stringent conditions.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner 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 a sum of 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 and the sureties must be governments servants.

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



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

(iv) 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.

27.03.2026

DSK

To

1. The Inspector of Police,
NIB-CID,
Theni District.

2. I Additional Special Court
NDPS Act Cases, 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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