



*Crl.MP(MD) No.6508 of 2026 in
Crl.A(MD) No.367 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6508 of 2026
in Crl.A.(MD)No.367 of 2026

Harishankar

... Petitioner

Vs.

The State Rep. by,
Inspector of Police,
Town North Police Station,
Dindigul.
(Crime No.20 of 2022)

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed upon the petitioner / appellant namely Harishankar by learned Sessions Judge, II Additional Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in C.C.No.418 of 2022, dated 12.03.2026 and enlarge the petitioner on bail, pending disposal of criminal appeal.

For Petitioner : Mr.S.Sudhanthiran

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor



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ORDER

The petitioner, A1 in C.C.No.418 of 2022, on the file of the learned Additional District Judge, II Additional Court for trial of NDPS Act Cases, Madurai, was tried along with two other accused, was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(B) of NDPS Act	4 years RI	Rs.20,000/-	1 year SI
2	25 of NDPS Act	4 years RI	Rs.20,000/-	1 year SI
3	29(1) of NDPS Act	4 years RI	Rs.20,000/-	1 year SI

As against the conviction and sentence imposed by the trial Court in C.C.No.418 of 2022, dated 12.03.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.367 of 2026 and the same was admitted by this Court on 26.03.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2. The case of the prosecution is that on 06.01.2022, at about 21.30 hours, the accused persons illegally transported 22 kg of ganja with the help of an auto and two wheeler. Hence, the case.

3. The learned counsel appearing for the petitioner submits that this petitioner has been convicted for a period of four years and the petitioner is in jail for the past three years. He also points out that the contraband said to have been seized by the Police has reached the Court with a delay of 23 days.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail, that apart from this case, the petitioner is involved in the following cases:-

- "(i) Crime No.521 of 2018 on the file of the respondent Police.*
- (ii) Crime No.533 of 2018 on the file of the respondent Police.*
- (iii) Crime No.862 of 2018 on the file of the respondent Police.*
- (iv) Crime No.891 of 2018 on the file of the respondent Police.*
- (v) Crime No.256 of 2019 on the file of the respondent Police.*
- (vi) Crime No.1607 of 2020 on the file of the respondent Police.*



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- (vii) Crime No.1613 of 2020 on the file of the respondent Police.*
- (viii) Crime No.1690 of 2020 on the file of the respondent Police.*
- (ix) Crime No.719 of 2021 on the file of the respondent Police.*
- (x) Crime No.789 of 2021 on the file of the respondent Police.*
- (xi) Crime No.35 of 2023 on the file of the Dindigul Town South Police Station.*
- (xii) Crime No.132 of 2023 Dindigul Taluk Police Station."*

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

6. This petitioner has been convicted for a period of four years and he is in jail for the past three years. The petitioner has served 3/4th of his sentence. The petitioner has raised certain arguable points, 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 points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



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However, considering the objection raised by the learned Additional Public Prosecutor that the petitioner is involved in the aforesaid cases, this Court is inclined to order stringent conditions as mentioned below.

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 only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, II Additional Court for trial of NDPS Act Cases, Madurai. The sureties must be responsible persons.
- ii. The petitioner shall stay at Chennai and report before the Inspector of Police, Anna Nagar Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not misuse the liberty granted to him and will not involve in any offence in future.



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iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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To

1.The learned Additional District Judge,
II Additional Court for trial of NDPS Act Cases,
Madurai.

2.The Inspector of Police,
Town North Police Station,
Dindigul.

3.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

4.The Superintendent,
Central Prison,
Madurai.

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



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B.PUGALENDHI, J.,

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