



*CrI.MP(MD) No.5689 of 2025 in
CrI.A(MD) No.506 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.5689 of 2025
in CrI.A.(MD)No.506 of 2025

Sakthi

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by its,
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No.105/2017

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner / appellant / sole accused, namely, Sakthi, S/o.Chinnan passed by the learned II Additional Special Court for NDPS Act Cases, Madurai in C.C.No.416 of 2018, dated 21.09.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor



*Crl.MP(MD) No.5689 of 2025 in
Crl.A(MD) No.506 of 2025*

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ORDER

The petitioner, sole accused in C.C.No.416 of 2018, on the file of the learned Special District Judge, II Additional Special Court for NDPS Act Cases, Madurai, was tried for the offence under NDPS Act that he was in possession of 22 kg of ganja, 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)(C) of NDPS Act	10 years RI	Rs.1,00,000/-	1 year SI

As against the conviction and sentence imposed by the trial Court in C.C.No.416 of 2018, dated 21.09.2024 the petitioner has filed a Criminal Appeal in Crl.A(MD)No.506 of 2025 and the same was admitted by this Court on 25.04.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 05.04.2017, at about 16.45 hours, the petitioner was found to be illegal possession of 22 kg of



*Crl.MP(MD) No.5689 of 2025 in
Crl.A(MD) No.506 of 2025*

ganja at Karuchanpatti, near Thirumangalam River Bridge. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the contraband of 22 kg of ganja is inclusive of stems and branches and in the event, the stems and branches are excluded, the contraband would be intermediate quantity. He relied on the Judgement of this Court dated 15.10.2025 in Crl.A.(MD)Nos.212 to 558 of 2023 in support of his contention. According to him, the mandatory provisions of NDPS Act, namely, Sections 42, 50, 50(5), 52A were not followed. The petitioner has no bad antecedents. The petitioner is in jail from the date of Judgment i.e., 21.09.2024.

4. The learned Additional Public Prosecutor appearing for the respondent submits that before the trial Court, this petitioner has taken a plea that the contraband itself was not ganja. But, now, he takes a different stand that the contraband is inclusive of stems and branches.



*Crl.MP(MD) No.5689 of 2025 in
Crl.A(MD) No.506 of 2025*

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

6. 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. The petitioner is in jail from 21.09.2024 and he has no bad antecedents. 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.

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 Special District Judge, II Additional Special Court for NDPS Act Cases, Madurai.



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*Crl.MP(MD) No.5689 of 2025 in
Crl.A(MD) No.506 of 2025*

- ii. The petitioner shall report before the respondent police 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 involve in any offence in future and that the petitioner will not misuse the liberty granted to him.
- 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.

07.04.2026

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To

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

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

3.The Superintendent,
Central Prison, Madurai.

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

5/6



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*CrI.MP(MD) No.5689 of 2025 in
CrI.A(MD) No.506 of 2025*

B.PUGALENDHI, J.,

mbi

CrI.MP(MD) No.5689 of 2025
in
CrI.A(MD) No.506 of 2025

07.04.2026