

*CrIMP(MD)No.8826 of 2026
in CrI A(MD)No.486 of 2026*

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[[BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : .06.2026

CORAM:

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

**CrIMP(MD)No.8826 of 2026 in
CrI A(MD)No.486 of 2026**

Arunpandi @ Jetli

...Petitioner /A1

Vs

The State rep by
the Inspector of Police,
S.S.Colony Police Station,
Madurai District.
[Crime No.329 of 2023]

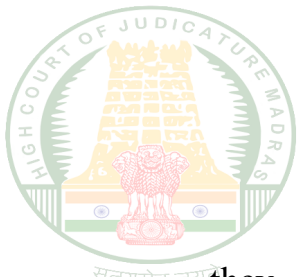
... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed as against the petitioner in CC.No.1016 of 2023 dated 27.02.2025 passed by the Principal Special Judge for EC and NDPS Act Cases, Madurai and to set aside the same.

For Petitioner : Mr.J.Vivek
For Respondent : Mr.Robinson,
Government Advocate

ORDER

The petitioner is accused No.1 in Crime No.329 of 2023 on the file of the respondent Police. He was arrested along with other accused that



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they had transported 23 kgs. of ganja in an Auto bearing Reg No.TN59BE 7889. The final report was filed as against the petitioner and other accused for the offence under Section 8(c) r/w. 20(b) (ii) (C), 25, 29(1) of NDPS Act and it was taken on file in CC.No.1016 of 2023. The trial Court, by judgment dated 27.02.2025, found the petitioner guilty, convicted and sentenced him to undergo ten years rigorous imprisonment with a a fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment, for the offence under Section 8(c) r/w. 20(b) (ii) (C) of NDPS Act and acquitted him from the charges under Sections 25 and 29(1) of NDPS Act. As against the conviction, the petitioner has filed an appeal before this Court in CrI.A.(MD)No.486 of 2026 and the same has been admitted by this Court on 27.04.2026. Along with the appeal the petitioner has filed this petition to suspend the sentence imposed by the trial Court.

2.The learned counsel for the petitioner has raised the following points :

(i) The prosecution has not followed the mandatory provisions of Section 52 of the NDPS Act.



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(ii)Ex.P7-Athatchi was prepared in the occurrence spot at about 13.30 hrs, which is a printed one. There is no possibility of getting printout of Athatchi prepared in a laptop and therefore, the Athatchi, through which, the recovery is highly doubtful.

(iii) P.W.2 said to have received secret information and informed the same to P.W.3, which was recorded as Ex.P8. Whereas, recording of such information is doubtful, since such a preparation of Ex.P8/secret information did not find place in the final report. Further, as per the evidence of P.W.2, information was handwritten, but, Ex.P8 is a computer typed one.

(iv)The contraband was recovered from an auto bearing Reg.No.TN59BE 7889, wherein, six persons had travelled. Six persons travelling in an auto carrying 23kgs of contraband is highly unbelievable. Hence, the very foundation theory of prosecution is suspicious. According to him, the petitioner is in jail for nearly 3 years and 3 months. He further submits that 4th and 3rd accused in this case were already granted bail by this court in CrIMP(MD)No.7121 of 2025 dated 16.03.2026 and in CrIMP(MD)No.8213 of 2026 dated 30.04.2026 respectively.



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3.The learned Government Counsel appearing for the respondent submits that the petitioner is accused No.1. The quantity involved in this case is 23kgs. Apart from this case the petitioner has also involved in 22 other cases. He has also produced the details of those 22 cases and submits that the petitioner is a habitual offender and therefore, he opposes grant of bail to the petitioner.

4.This court has considered the rival submissions made and perused the materials placed on record.

5.The petitioner is accused No.1. He was found guilty along with four others. The petitioner was arrested on 10.03.2023 and he is in jail for the past 3 years and 3 months. Co-accused have already been enlarged on bail by this court. However, the respondent has raised objection to this petition that the petitioner has involved in several other cases also. The details of those cases produced by the respondent police reveals that 7 cases were registered by the Prohibition Enforcement Wing, Melur. He was acquitted in some of the cases. Cases have been registered periodically by the NIB-CID, Madurai as against this



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petitioner in Crime Nos.196 /2016, 254/16, 49/2017, 79/2017, 98/2017 and 50/2019 and in Crime Nos.196 /2016, 254/16, 49/2017, 79/2017, the petitioner was let off by imposing a fine of Rs.1,000/-. Two cases, in Crime Nos.98 of 2017 and 50 of 2019, were closed on the ground of limitation. Surprised with the closure of two cases on the ground off limitation as against this petitioner, this court has verified with the NIBCID as to the reasons for the same. The NIB-CID has claimed that the final report has not been filed in Crime Nos.98 of 2017 and 50 of 2019 and it was due to the slackness of two officers, who were in charge of the same, at that point of time and they have been proceeded with departmentally. With regard to the other cases, the petitioner was let off with a fine of Rs.1,000/-.

6.Perusal of those cases would reveal that the cases have been registered both by NIB-CID and by the Prohibition Wing periodically for statistical purpose. He was let off simply with a fine of Rs.1,000/- in several cases. The NIB-CID, which is an exclusive agency, needs to concentrate on preventing the drug menace and controlling the trafficking of Narcotic Drugs and Psychotropic Substances, than



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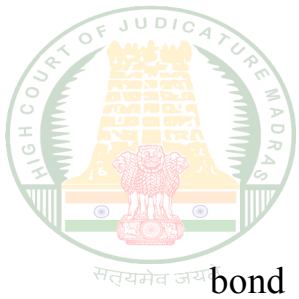
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registering cases for statistical purposes.

7.Be that as it may, in this case the petitioner was arrested along with 5 others that all the 6 accused have been travelling in an auto ricksha along with 23 kgs of ganja. This court has already granted bail to 4th and 3rd accused in CrIMP(MD)No.7121 of 2025 by order dated 16.03.2026 and in CrIMP(MD)No.8213 of 2026 by order dated 30.04.2026 respectively. The petitioner is also a similarly placed person that of 4th and 3rd accused. 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, release of co-accused on bail and for the reason that the appeal could not be taken up immediately, this court is inclined to allow this petition.

8.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



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bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned I Additional Special Court for EC and NDPS Act Cases, Madurai. The sureties must be government servants.

(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.

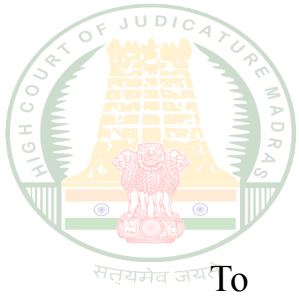
(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(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.

.06.2026

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- 1.The Inspector of Police,
SS Colony Police Station,
Madurai City.
- 2.The Additional District Judge,
Principal Special Court for EC and NDPS Act Cases,
Madurai.
- 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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