



Crl.M.P.(MD)No.6827 of 2025

in Crl.A.(MD)No.625 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6827 of 2025

in Crl.A.(MD)No.625 of 2025

Amaresan

... Petitioner

versus

State of Tamil Nadu,
Rep. by the Inspector of Police,
NIB CID,
Theni.
Crime No.1/2015

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence and conviction made in the Judgment dated 10.06.2024 in C.C.No.104 of 2015 passed by the Principal Special Court for EC & NDPS Act Cases, Madurai and enlarge the appellant/accused on bail pending disposal of the appeal.

For Petitioner : Mr.P.Thanga Prithvirajan

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner is the sole accused in C.C.No.104 of 2015 on the file of the Principal Special Court for EC & NDPS Act Cases, Madurai. He was tried for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25 of the NDPS Act that he was found in possession of 25 kgs. of ganja. After the trial, the trial Court, by Judgment dated 10.06.2024, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act and convicted and sentenced him to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for six months. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.625 of 2025 and the same was admitted by this Court on 17.06.2025. The petitioner has also filed this petition seeking to suspend the sentence imposed by the trial court.

2. The learned counsel appearing for the petitioner submits that the petitioner is in jail from the date of conviction dated 10.06.2024 and he was also in jail for 161 days during trial. He further submits that there is a mandatory violation of Sections 50 and 57 of NPDS Act. Further, there was a delay of 17



days in sending the samples.

3. The learned Additional Public Prosecutor, by relying on the counter affidavit filed by the respondent Police, submits that apart from this case, the petitioner has also involved in the following cases:

Sl. No.	Police Station & District	Crime No.	Office u/s.
1.	NIB-CID, Theni	34/2011	8(c) r/w. 20(b)(ii)(B) of NDPS Act – acquittal – 10 kgs.
2.	NIB-CID, Theni	47/2012	8(c) r/w. 20(b)(ii)(A) of NDPS Act – conviction – 550 grams
3.	NIB-CID, Theni	185/2014	8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act – acquittal – 104 kgs.
4.	NIB-CID, Theni	1/2015	8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act – PT – 25 kgs.
5.	NIB-CID, Theni	128/2016	8(c) r/w. 20(b)(ii)(B) of NDPS Act – conviction – 1.2 kg.
6.	NIB-CID, Dindigul	101/2014	8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act – conviction – 380 kgs.
7.	M2 Milk Colony PS Chennai	467/2016	8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act – NTF – 173 kgs.
8.	Cumbum North PS Theni District	225/2014	8(c) r/w. 20(b)(ii)(B) of NDPS Act – P.T. - 14 kgs.
9.	Cumbum South PS Theni District	83/2013	8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act – P.T. - 102 kgs.
10.	Palanichettipatty PS Theni District	588/2018	8(c) r/w. 20(b)(ii)(B) of NDPS Act – P.T. - 14kgs.



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4. This Court considered the rival submissions made.

5. The petitioner was arrested along with the contraband of 25 kgs. of ganja. From the data furnished by the learned Additional Public Prosecutor, it appears that apart from this case, the petitioner has also involved in several similar offence as stated supra.

6. Considering the antecedent of the petitioner, this Court is not inclined to entertain this petition. The grounds raised by the petitioner can be considered only during the final hearing of appeal. Accordingly, this Criminal Miscellaneous Petition is dismissed.

7. Since this Court refuses to suspend the sentence imposed on the petitioner, the Registry is directed to prepare the typed set of papers and list the matter in the second week of April 2026.

12.03.2026

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To

1. The Inspector of Police,
NIB CID,
Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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