



*CrI.MP(MD) No.5348 of 2024 in
CrI.A(MD) No.442 of 2024*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.5348 of 2024
in CrI.A.(MD)No.442 of 2024

Rajaji

... Petitioner

Vs.

The State represented through its
The Superintendent of Customs,
No:66 Beach Road, Customs Division,
Tuticorin - 628 001.
In O.R.No.01/2018-2019-DPU-TTN)

... Respondent

Prayer: Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence and conviction in Judgment in C.C.No.56 of 2019, on the file of the II Additional Special Court for NDPS Act Cases, Madurai, dated 04.04.2024 and enlarge the petitioner on bail.

For Petitioner : Mr.Malaiyendran

For Respondent : Mr.S.Gurumoorthy,
Special Public Prosecutor
for customs



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ORDER

The petitioner, A4 in C.C.No.56 of 2019, on the file of the learned Additional District Judge, II Additional Special Court for NDPS Act Cases, Madurai 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/-	12 months SI

As against the conviction and sentence imposed by the trial Court in C.C.No.56 of 2019, dated 04.04.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.442 of 2024 and the same was admitted by this Court on 22.05.2024. 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 08.08.2018, at about 19.00 hours, this petitioner along with other accused had illegally transported 104.39 kg of ganja in a car bearing Registration No.TN 58 J 9401, travelling towards Tharuvaikulam. Hence, the case.



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3. The learned counsel appearing for the petitioner submits that this petitioner was arrested on 08.08.2018 and he is in jail from the date of his arrest. According to him, the petitioner has already undergone imprisonment for 7 years. Further, co-accused / A3, who is similarly placed has been enlarged on bail by this Court vide order dated 08.12.2025 in Crl.M.P.(MD)No.10026 of 2025 in Crl.A.(MD)No.814 of 2025.

4. The learned Special Public Prosecutor appearing for the respondent submits that a huge quantity of ganja has been transported by this petitioner, which is a serious offence and hence, this petitioner does not deserve grant of suspension of sentence. He further submits that all mandatory provisions of law have been complied with.

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

6. When this Court verified about the antecedents of this petitioner with the learned Special Public Prosecutor, he seeks time to get instructions.



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7. Admittedly, this petitioner is in jail from the date of his arrest i.e., 08.08.2018. The petitioner was convicted for a period of 10 years (RI). Thus, this petitioner had undergone 2/3rd of his conviction. It is reported that the co-accused / A3, who is similarly placed has been enlarged on bail by this Court vide order dated 08.12.2025 in Crl.M.P.(MD)No.10026 of 2025 in Crl.A.(MD)No.814 of 2025. As on date, there is no record to show that this petitioner is having bad antecedents. In view of the above 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. However, considering the objection raised by the learned Special Public Prosecutor that huge quantity of ganja is involved in this case, this Court is inclined to order stringent conditions as mentioned below.

8. 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.2,00,000/- (Rupees Two Lakhs only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, II



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Additional Special Court for NDPS Act Cases, Madurai, out of which one must be a Government surety.

- ii. The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- 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 taking advantage of the liberty granted by this Court.
- 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.

06.04.2026

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To

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

2.The Superintendent of Customs,
No:66 Beach Road,
Customs Division,
Tuticorin.

3.The Superintendent,
Central Prison,
Madurai.

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



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B.PUGALENDHI, J.,

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