



CRL MP(MD). No.9680 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/06/2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD). No.9680 of 2026
in
Crl.A(MD).No.625 of 2025

Amaresan,

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
NIB - Cid, Theni.
Crime No. 1 of 2015.

... Respondent

PRAYER :- This petition has been 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 Learned Principal Special Court for EC and NDPS Act Cases, Madurai enlarge the Appellant / Accused on bail.

For Petitioner : Mr.Thanga Prithvi Rajan P,
For Respondent : Mr.V.Shathurthu Raja,
Government Advocate (Crl.Side)



CRL MP(MD). No.9680 of 2026

ORDER

WEB COPY

The petitioner, accused in C.C.No.104 of 2015, on the file of the learned Principal Special Court for EC and NDPS Act Cases, Madurai was found guilty by the trial Court and 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/-	6 months SI

As against the conviction and sentence imposed by the trial Court in C.C.No.104 of 2015, dated 10.06.2024, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.625 of 2025 and the same was admitted by this Court on 17.06.2025. 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 03.01.2015, at about 12.00 hours, during patrol duty, the police found the accused in illegal possession of 25 Kgs of Ganja along with white colour plastic sack bag. Hence the case.

2/7



CRL MP(MD). No.9680 of 2026

WEB COPY

3. The learned senior counsel appearing for the petitioner submits that though it has been projected that the petitioner is involved in 10 cases, out of which 7 cases ended in acquittal and that all the cases are false cases registered only for statistical purposes. He further submits that the mandatory provisions of the NDPS Act, namely Sections 42, 50, 50(5), and 52A were not followed and that the Ex.P7 secret information was not endorsed by the superior officer. Similarly, the search consent letter was in typed form and Report No.57 was not endorsed by the superior officer. He further submits that there was a delay of 17 days in sending the samples to the Forensic Department. Hence, he seeks to suspend the sentence imposed by the trial Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that considering the bad antecedents of the petitioner, the earlier application filed by him seeking suspension of sentence was dismissed by this Court. He further submitted that 10 previous cases are pending against the petitioner and he is in jail only from the date of conviction, i.e., 10.06.2024. Hence, he opposed to suspend the sentence.



CRL MP(MD). No.9680 of 2026

5. Considering the petitioner's bad antecedents, the earlier application filed by him seeking suspension of sentence was dismissed by this Court. Today, the learned Senior Counsel appearing for the petitioner produced materials showing that out of 10 cases, 7 cases ended in acquittal and other three cases are registered only for statistical purposes and that the petitioner has been in jail from 10.06.2024.

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

7. Admittedly, the petitioner is involved in 10 cases, out of which 7 cases ended in acquittal and the mandatory provisions of the NDPS Act, namely Sections 42, 50, 50(5), and 52A were not followed and the petitioner is in jail from the year 2024. 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 with stringent conditions.



CRL MP(MD). No.9680 of 2026

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 Government sureties each for a like sum to the satisfaction of the Principal Special Court for EC and NDPS Act Cases, Madurai
- 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.

TTA

17.06.2026

5/7



CRL MP(MD). No.9680 of 2026

WEB COPY

- TO
1. The Principal Special Court for EC and NDPS Act Cases,
Madeira.
 2. The Inspector of Police,
NIB - Cid, Theni.
 3. The Superintendent,
Central Prison,
Madurai.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL MP(MD). No.9680 of 2026

B.PUGALENDHI,J

TTA

**ORDER
IN
CRL MP(MD) No.9680 of 2026
in
Cr1.A(MD).No.625 of 2025**

Date : 17/06/2026