



CrIMP(MD)No.9400 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.9400 of 2026
in
CrIA(MD)No.568 of 2025**

Ashok

...Petitioner

Vs

**State of Tamil Nadu rep by
the Inspector of Police,
Kurunjipadi Police Station,
Cuddalore District.
[Crime No.184 of 2023]**

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentences passed in CC.No.71 of 2024 dated 09.04.2025 on the file of the Additional District / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur pending disposal of the above criminal appeal.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.A.Robinson,

Government Advocate



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ORDER

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The petitioner is accused No.1 in C.C.No.71 of 2024 on the file of the Additional District / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur. By judgment dated 09.04.2025, the petitioner was found guilty for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and convicted and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.20,000/-, in default, to undergo simple imprisonment for a period of 1 year. Challenging the judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.968 of 2025 and the same was admitted by this Court on 30.10.2025. This is the second petition filed by the petitioner seeking to suspend the sentence imposed by the trial Court pending the appeal. The earlier petition filed by the petitioner in CrlMP(MD)No.6456 of 2025 was dismissed by this court by order dated 30.01.2026.

2.The learned counsel appearing for the petitioner submits that the provisions under Section 52-A of the NDPS Act have not been complied with in this case. There are contradictions among the evidence of the



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witnesses with regard to the recovery and place of occurrence.

The petitioner is in jail from the date of conviction on 09.04.2025 for a period of 1 year and 2 months.

3.The learned Government Advocate appearing for the respondent police submits that 5.700 kgs of ganja was recovered from this petitioner and the total contraband involved in this case is 11 kgs. According to the learned Government Advocate, the prosecution has established its case beyond reasonable doubt and apart from this case the petitioner has involved in a case in Crime No.131 of 2023 on the file of the Nallur PS, Tiruppur District, registered for the offence under Section 392, 354(B) IPC.

4.This court has considered the rival submissions made.

5.The quantum of contraband recovered from this petitioner is intermediate quantity. The petitioner is in jail from the date of conviction. The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However



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the appeal could not be taken up for final hearing for want of time.

Considering the period of incarceration, for the reason that the appeal could not be taken up immediately despite the dismissal of the earlier application and this Court is inclined to allow this petition.

6. 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 bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Additional District / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.

(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.



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(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.

01.06.2026

DSK

To

1. The Additional District / Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.
2. The Inspector of Police,
Kurunjipadi Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.

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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