



Crl.MP(MD) No.9354 of 2026 in
Crl.A(MD) No.509 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.9354 of 2026

in

Crl.A(MD) No.509 of 2026

Chinnasamy

... Petitioner

Vs

The State of Tamil Nadu,
rep by its,
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
[Crime No.289 of 2017]

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023 to suspend the sentence imposed on the petitioner/ appellant/ accused No.1 by the II Additional Special Court for Trial of Cases under NDPS Act, Madurai in CC.No.171 of 2018, dated 28.01.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jagadeesh Pandian
For Respondent : Mr.V.Moushica,
Government Advocate



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ORDER

The petitioner is accused No.1 in CC No.171 of 2018, on the file of the II Additional Special Court for Trial of Cases under NDPS Act, Madurai. By judgment dated 28.01.2025 the petitioner has been found guilty, convicted, sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for a period of one year. As against the judgment, the petitioner has filed an appeal before this court in CrlA(MD)No.509 of 2026 and the same has been admitted by this court on 30.04.2026.

2.The learned counsel appearing for the petitioner submits that the mandatory provisions of Section 42 of the NDPS Act have not been complied with. There is no material to prove the seizure from this petitioner. The Athachi Exs.P2 and P3, do not contain the signature of the accused and therefore, the very recovery of contraband is doubtful. There is no corroboration of evidence among the PW1 and other witnesses. However, the trial court has convicted the petitioner solely on the version of PW1 and PW2. He further submits that the petitioner is in jail for a



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period of 2 years and 3 months.

3.The learned Government Counsel submits that the quantity involved in this case is 32 kgs and the prosecution has proved its case through the evidence of the witnesses. The trial court has considered the same and convicted the petitioners.

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

5. The petitioner has raised certain arguable points which can be considered during the final hearing of the appeal. However, for want of time, the appeal could not be taken up immediately for hearing. Considering the period of incarceration and that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence imposed on him with the following conditions:

6.Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is



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ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of II Additional Special Court for Trial of NDPS Act Cases, Madurai and one of the sureties must be a Government servant.
- ii. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not involve in any offence in future and he will be available during the final hearing of the appeal.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.
- iv. If the petitioner changes his address it shall be immediately informed to the respondent police.
- v. If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

17.06.2026

DSK



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To

1. II Additional Special Court
for Trial of Cases under NDPS Act,
Madurai.

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

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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