



Crl.M.P.(MD)No.6450 of 2025

in Crl.A.(MD)No.731 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2026**

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**THE HONOURABLE MR JUSTICE B.PUGALENDHI**

**Crl.M.P.(MD)No.6450 of 2025**

**in Crl.A.(MD)No.731 of 2024**

A.Moovendran

... Petitioner

versus

State represented by  
Inspector of Police,  
NIB CID Trichy Police Station,  
Trichy District.

... Respondent

Petition filed under Section 430(1) BNSS Act, to suspend the sentence imposed by the learned Additional District and Sessions Judge for EC & NDPS Act Cases, Pudukottai in C.C.No.28 of 2022 dated 30.07.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.NA.Manimaran

For Respondent : Mrs.V.Moushica,  
Government Advocate (Crl. Side)



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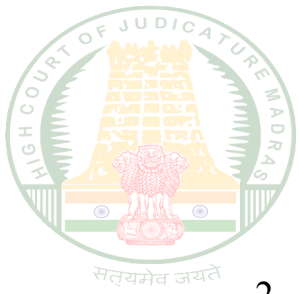
in Crl.A.(MD)No.731 of 2024

## **ORDER**

The petitioner is the 1<sup>st</sup> accused in C.C.No.28 of 2022 on the file of the Additional District and Sessions Judge, Special Court for EC & NDPS Act Cases, Pudukkottai. He was tried along with five other accused for the offence under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act that they have illegally transported 132 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 30.07.2024, found the petitioner guilty and convicted and sentenced him as under:

|    | <b>Sections</b>                                     | <b>Punishment</b>                    | <b>Fine amount</b> | <b>Default</b>                     |
|----|-----------------------------------------------------|--------------------------------------|--------------------|------------------------------------|
| A1 | 8(c) r/w.<br>20(b)(ii)(C)<br>of NDPS Act            | 11 years<br>rigorous<br>imprisonment | Rs.1,10,000/-      | One year<br>simple<br>imprisonment |
| A1 | 25 r/w.<br>8(c)r/w. 20(b)<br>(ii)(C) of<br>NDPS Act | 11 years<br>rigorous<br>imprisonment | Rs.1,10,000/-      | One year<br>simple<br>imprisonment |

Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal before this Court in Crl.A.(MD)No.731 of 2024 and the same was admitted by this Court on 22.09.2025. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.



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2. The learned counsel appearing for the petitioner has raised the following points:

(i) The prosecution has failed to comply with the mandatory provisions as required under Sections 42, 50 and 57 of NDPS Act, thereby, vitiating the entire investigation.

(ii) The seizing officer has not filed the report under Section 57 of NDPS Act. The extract of the general diary from the Police Station was not produced before the trial Court.

(iii) There was a delay of 63 days in transmission of the alleged case property to the trial Court.

(iv) The prosecution has not produced any material to establish the alleged conspiracy among the accused and therefore, the charge under Section 29(1) of the NDPS Act remains unproved. Further, P.W.5-investigating officer has admitted this fact in his cross examination.

(v) The co-accused has been granted bail by this Court on 21.03.2025 in Crl.M.P.(MD)No.9415 of 2025 by suspending the sentence.

(vi) The petitioner is not having any previous case.

According to him, the petitioner is in jail for more than 4 ½ years. Therefore, he seeks to grant bail to the petitioner.



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3. The learned Government Advocate (Crl. Side) opposed this petition that the respondent Police has recovered 132 kgs. of ganja from the 1<sup>st</sup> and 2<sup>nd</sup> accused.

4. Since the learned counsel has taken a specific plea that the contraband, which was recovered from the petitioner and other accused, reached the Court with the delay of 63 days, this Court, by its earlier order dated 09.04.2026, directed the respondent Police to file a report. However, the respondent Police has not filed any report.

5. This Court considered the rival submissions made.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposed this petition that huge quantity of ganja has been recovered from the accused. However, there was an inordinate delay of 63 days in sending the samples to the Court. On this ground, this Court has already considered the petition filed by the co-accused in Crl.M.P.(MD)No.9415 of 2025 in Crl.A.(MD)No.732 of 2025 and suspended the sentence by order dated



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21.03.2025.

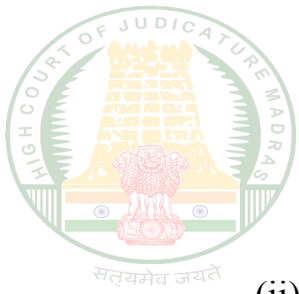
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7. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time.

8. Considering the points raised by the petitioner, the period of incarceration and also considering the fact that the co-accused has been released on bail by this Court by suspending the sentence, by order dated 21.03.2025 in Crl.M.P.(MD)No.9415 of 2025 and the petitioner is not having any bad antecedent, this Court is inclined to suspend the sentence with certain conditions.

9. 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 Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge for EC & NDPS Act Cases, Pudukkottai.



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(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

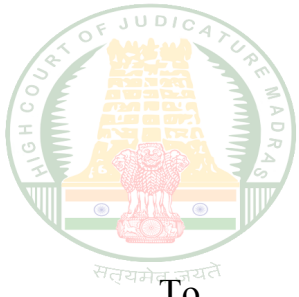
(iv) The sureties shall file an affidavit before the trial Court as well as before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he will be available during the appeal proceedings. The petitioner shall also file an undertaking affidavit to that effect.

(v) The petitioner shall appear before the trial Court daily at 10.30 a.m. until further orders.

(vi) 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.

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To  
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1. The II Additional District and Sessions Judge  
for EC & NDPS Act Cases,  
Pudukkottai.
2. The Superintendent,  
Central Prison,  
Trichy.
3. The Inspector of Police,  
NIB CID Trichy Police Station,  
Trichy District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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