



CrIMP(MD)No.11226 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.11226 of 2026
in
CrIA(MD)No.681 of 2026**

Jeya Suriya

...Petitioner

Vs

**The State of Tamil Nadu Represented by,
the Inspector of Police,
Cumbam North PS.,
Theni District.
[Crime No.638 of 2021]**

... Respondent

PRAYER: Petition filed under Section 430 of BNSS, to suspend the sentence imposed on the petitioner by the I Additional Special Court for NDPS Act Cases, Madurai in CC.No.66 of 2022 dated 11.08.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Prabakaran

For Respondent : Mrs.V.Moushica,

Government Advocate



CrIMP(MD)No.11226 of 2026

ORDER

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The petitioner is accused No.2 in CC.No.66 of 2020 on the file of the I Additional Special Judge for NDPS Act Cases, Madurai. He was tried along with two other accused. By judgment dated 11.08.2023 the petitioner was found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo 12 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in CrI.A(MD) No.681 of 2026 and the same has been admitted by this Court. Along with the appeal the petitioner has filed this petition to suspend the sentence.

2.The learned counsel for the petitioner by referring to the recent judgment of this court in CrI.A(MD)Nos.212 of 2020, etc., dated 15.10.2025 submits that the quantity involved in this case is



CrIMP(MD)No.11226 of 2026

21kg and this court by considering the manner in which the contraband is measured by the police, has observed as under:

“23.14.8. In all these cases there is some ambiguity whether the seized ganja was weighed excluding the weight of the bag, stalk, stem, luxuriant leaves or only flowering or fruiting tops of the cannabis plant. Even in the report there is no whisper about the presence of the Tetrahydrocannabinol as chief intoxicating ingredient. Therefore, considering the overall circumstances and also taking into account that the appellants are confined in prison without bail from the date of arrest, during the trial and pendency of these appeals, this court holds that conviction cannot be recorded on ambiguity about the exact weight of the drug containing parts of the hems as defined under the definition of ganja in these border cases namely cases covered between 21 kg to 25 kg.”

According to the prosecution 21 kgs of ganja is recovered in this case, but the contraband may also contain stalk, stem, leaves. It is not clear whether they have excluded from measurement.



CrIMP(MD)No.11226 of 2026

WEB COPY

3.He further submits that the provisions under Sections 52 A and 53 of the NDPS Act have not been followed. The accused Nos.1 and 3 have already been enlarged on bail by order dated 06.03.2026 and 29.04.2026 in CrIMP.No.5324 of 2026 and 5754 of 2026. The petitioner is in jail for more than 4 ½ years.

4.The learned Government Advocate submits that these grounds were not raised before the trial court. The petitioner has involved in three similar offence and three other offence under Sections 379 and 380 IPC and therefore, she opposes bail to this petitioner.

5.In response, the learned Counsel for the petitioner submits that the petitioner is ready to file an affidavit of undertaking that he will not involve in any further offence along with sureties.

6.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of



CriMP(MD)No.11226 of 2026

the appeal. However the appeal could not be taken up for final hearing for want of time. The petitioner has already undergone nearly half of the sentence. Though this court is not inclined to suspend the sentence due to the antecedents, considering the submission of the petitioner that he would give undertaking and considering the period of sentence imposed, the period of incarceration already undergone and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7. 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.2,00,000/- (Rupees Two Lakh) with two sureties each for a like sum, I Additional Special Court for NDPS Act Cases, Madurai and one of the sureties must be government servants.



CriMP(MD)No.11226 of 2026

(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.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) 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.

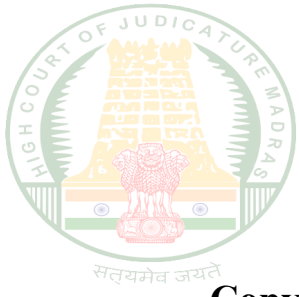
01.07.2026

Index : Yes / No

DSK

To

- 1.The Inspector of Police,
Cumbam North PS.,
Theni District.
- 2.Additional District Judge,
I Additional Special Court for NDPS Act Cases,
Madurai.
- 3.The Superintendent,
Central Prison,
Madurai.



CrIMP(MD)No.11226 of 2026

Copy to

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



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CrIMP(MD)No.11226 of 2026

B.PUGALENDHI.J.,

DSK

CrIMP(MD)No.11226 of 2026

01.07.2026