



CrIMP(MD)No.6480 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrIMP(MD)No.6480 of 2025
in
CrIA(MD)No.580 of 2025

S.Asai

...Petitioner

Vs

State represented by
the Inspector of Police,
Town West PS,
Thanjavur District.
[Crime No.1260 of 2023]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita , to suspend the sentence imposed by the Additional District Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur in CC.No.192 of 2023 dated 27.03.202 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Na.Manimaran

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor



CrlMP(MD)No.6480 of 2025

ORDER

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The petitioner, an accused in C.C.No.192 of 2023, on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, was tried along with four other accused, found guilty by the trial Court for the offence under Section 8(c) r/w 20(b)(ii)(B) and 29(i) of the NDPS Act, convicted and sentenced to undergo five years of rigorous imprisonment along with fine of Rs. 20,000/-, in default, to undergo one year rigorous imprisonment. As against the conviction and sentence imposed by the trial Court in C.C.No.192 of 2023, dated 27.03.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.580 of 2025 and the same was admitted by this Court on 09.05.2025. Along with the appeal, 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 04.10.2023, at about 11.30 hours, A1 to A5 were found in possession of two packets of ganja weighing 2 kg each and 11 packets each weighing 1 kg, totally 13 packets weighing about 15 kg in a cloth bag. Hence, the case.



CrlMP(MD)No.6480 of 2025

3. The learned counsel appearing for the petitioner submits that the mandatory provisions under Section 42, 50 and 57 of the NDPS Act are not complied with. The time of preparation of Ex.P2 to 5 creates doubts, since they all are prepared at the same time. The learned counsel by relying on the earlier order of this Court dated 05.03.2026, in CrlMP(MD)No.5368 of 2025 in CrlA(MD)No.484 of 2025 and the order dated 23.03.2026 in CrlMP(MD)No.13197 of 2026 in CrlA(MD)No.615 of 2025 submits that accused Nos.3 and 5 in this case have already been enlarged on bail by this Court by suspending the sentence. According to the learned counsel, the petitioner is also similarly placed. He further submits that the petitioner is in jail for 1 year and 4 months.

4.The learned Government Advocate raised objection that apart from this case, the petitioner has involved in an offence under Section 302 IPC and has involved in some cases related to the Tamil Nadu Prohibition Act.

5.In response, the learned counsel for the petitioner submits that the petitioner has been acquitted of the charge under Section 302 IPC and in all other cases under the Prohibition Act also he has been acquitted.



CrlMP(MD)No.6480 of 2025

6.Considered the rival submissions and perused the materials available on record.

7.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the period of incarceration and for the reason that the appeal could not be taken up immediately and also the co-accused have been enlarged on bail, this Court is inclined to allow this petition.

8.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, to the satisfaction of the Additional District Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur and the sureties must be government servants.



CrlMP(MD)No.6480 of 2025

(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 and he will also be available for the appeal proceedings.

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

(iv) If the petitioner changes residence, the address shall be informed to the respondent police immediately.

(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.

08.04.2026

Index : Yes / No
DSK

To
1.The Inspector of Police,
Town West PS,
Thanjavur District.

2.Additional District Judge / Presiding Officer,
Special Court for EC and NDPS Act Cases,
Thanjavur.



CriMP(MD)No.6480 of 2025

3. The Superintendent,
Central Prison,
Trichy.

Copy to

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



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CriMP(MD)No.6480 of 2025

B.PUGALENDHI.J.,

DSK

CriMP(MD)No.6480 of 2025

08.04.2026