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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9668 of 2026

in

Crl.A.(MD)No.522 of 2026

A.Abubakkar Siddik

... Petitioner

Vs.

State Of Tamilnadu
Rep By Inspector Of Police,
A.Mukkulam Police Station
Virudhunagar District.

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner / appellant / accused 5 passed by the I Additional Special Court for NDPS Act cases, Madurai, in C.C.No.262 of 2023, dated 10.02.2026 and enlarge the petitioner on bail, pending disposal of the main appeal.

For Petitioner(s):

Mr.N.Manimaran

For Respondent(s):

Ms.V.Moushika
Government Advocate (Crl.Side)



ORDER

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The petitioner, accused in C.C.No.262 of 2023, on the file of the learned I Additional Special Court for NDPS Act cases, Madurai, was found guilty by the trial Court and convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii) (C) of NDPS Act	10 years RI	Rs.1,00,000/-	6 months SI

As against the conviction and sentence imposed by the trial Court in C.C.No.262 of 2023, dated 10.02.2026, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.522 of 2026 and the same was admitted by this Court on 01.06.2026. 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 17.02.2023, at about 09.00 hours, during patrol duty, the police found that the accused 1 to 8 were in illegal possession of 26.235 kg of ganja, which was intended for sale. The contraband was purchased by the accused 1 to 8 from accused 9 to 11 and it was illegally transported using Maruthi Swift Tour S car bearing Registration No.TN 36 CR 4612. Hence the case.



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3. The learned counsel appearing for the petitioner submits that the petitioner was not in possession of ganja. It was recovered from the car and he is only an occupant. However, he has been prosecuted along with the other accused persons. He further submits that the co-accused was granted bail by this Court in CrI.M.P. (MD) No. 6404 of 2026 dated 30.04.2026. He further submits that the petitioner has no previous cases and the mandatory provisions of NDPS Act were not followed and there is no clinching material available with the prosecution to prove the manner in which the seizure has been effected. He further submits that the petitioner is in jail for the past 3 years and 4 months.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that there are totally 10 accused in this case and the petitioner was arrested along with Accused Nos. 1 to 4 and 6 and 26.235 kgs of ganja was involved in this case. He also admits that this Court has suspended the sentence of the co-accused and the petitioner has no bad antecedents. He further submits the quantity of ganja involved in this case is commercial quantity.



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5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Admittedly, this petitioner is in jail for the past 3 years and 4 months. The petitioner was convicted for a period of 10 years (RI) and he had already undergone 1/3rd of his conviction. It is reported that the co-accused / A1 and A2, who are similarly placed has been enlarged on bail by this Court vide order dated 30.04.2026 in CrI.M.P.(MD)No.6404 of 2026 in CrI.A.(MD)No.362 of 2026. As on date, there is no record to show that this petitioner is having bad antecedents. In view of the above and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner, however with stringent conditions.

7. 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 a sum of Rs.1,00,000/-



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(Rupees one Lakh only) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act cases, Madurai.

- ii. The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- iii. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future taking advantage of the liberty granted by this Court.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

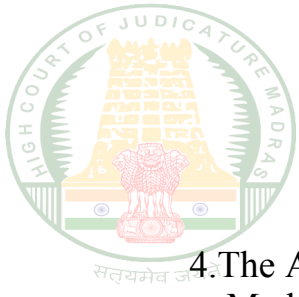
17.06.2026

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To

1. The I Additional Special Court for NDPS Act cases,
Madurai.
2. The Inspector Of Police,
A.Mukkulam Police Station
Virudhunagar District.
3. The Superintendent,
Central Prison,
Madurai.

5/8



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

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B.PUGALENDHI, J.,

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