



Crl.M.P.(MD)No.17318 of 2025

in Crl.A.(MD)No.1225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.17318 of 2025

in Crl.A.(MD)No.1225 of 2025

Ajesh

... Petitioner

versus

The State rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed against the petitioner in C.C.No.309 of 2022 dated 05.01.2024 on the file of the learned Principal Additional District Judge, Special Court for EC & NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Suresh

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner is the 1st accused in C.C.No.309 of 2022 on the file of the learned Principal Additional District Judge, Special Court for EC & NDPS Act Cases, Madurai. He was tried along with two others for the offence under Section 8(c) r/w. 20(b)(ii)(C), 29(1) and 25 of NDPS Act that they have transported 42 kgs. of ganja in two vehicles. After the trial, the trial Court, by its Judgment dated 05.01.2024, found the accused persons guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act and convicted and sentenced them to undergo rigorous imprisonment for ten years each and to pay a fine of Rs.1,00,000/- each, in default, to undergo simple imprisonment for a period of six months each. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.1225 of 2025 and the same was admitted by this Court, by order dated 18.11.2025. Along with the appeal, the petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court pending the appeal.



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2. The learned counsel appearing for the petitioner submits that though the contraband has been recovered on 21.11.2021, it was produced before the concerned Court only on 23.12.2021 with a delay of 33 days. He further submits that the petitioner is in jail for the past four years and three months (ie. from the date of arrest, 21.11.2021). Therefore, he seeks to suspend the sentence imposed against the petitioner.

3. The learned Additional Public Prosecutor strongly opposed that the petitioner along with two others, who are hailing from State of Kerala, has transported 42 kgs. of ganja in two cars, bearing Reg.Nos.KL-39-A 9011 and KL-49-D 7713 and in the event, if the petitioner is released on bail, he may indulge in further offence under NDPS Act and he may not be available during the appeal proceedings.

4. This Court considered the rival submissions.

5. The appeal filed by the petitioner was admitted by this Court on 18.11.2025. However, the appeal could not be taken up for final disposal for want of time. Admittedly, the petitioner is in jail from the date of arrest, i.e. on



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21.11.2021, for nearly four years and three months and he was convicted and sentenced for a period of ten years. Now, he has almost completed a half of the sentence period.

6. Since the appeal could not be taken up for final disposal and the petitioner has almost completed a half of the sentence period, this Court is inclined to allow this petition. However, considering the objection raised by the learned Additional Public Prosecution that the petitioner is a resident of Kerala and in the event, if the petitioner is released on bail, he may indulge in further offence under NDPS Act, this Court is inclined to suspend the sentence 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 Rs.2,00,000/- (Rupees two lakh only) with two sureties each for a like sum to the satisfaction of the learned Principal Additional District Judge, Special Court for EC and NDPS Act Cases, Madurai.



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(ii) the persons who are giving sureties should be Government Servants and the sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he will be available till the disposal of the appeal proceedings.

(iii) The appellant 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.

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

(v) The petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter, shall appear before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

(vi) The petitioner shall file an affidavit before the respondent Police that he will not indulge in any other offence in future and he will be available till the disposal of the appeal proceedings.



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(vii) 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.

30.03.2026

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To

1. The learned Principal Additional District Judge,
Special Court for EC & NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Cumbum North Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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