



Crl.M.P.(MD)No.8100 of 2025

in Crl.A.(MD)No.699 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.8100 of 2025

in Crl.A.(MD)No.699 of 2025

Ashok

... Petitioner

versus

State of Tamil Nadu, Rep. by
The Inspector of Police,
NIBCID Thoothukudi,
Thoothukudi District.

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence and conviction made in the Judgment dated 15.04.2025 in C.C.No.1080 of 2023 passed by the Principal Special Court for EC & NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.P.Thangapritvirajan

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



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ORDER

The petitioner is the 1st accused in C.C.No.1080 of 2023 on the file of the Principal Special Court for EC & NDPS Act Cases, Madurai. He was tried along with accused No.2 for the offence under Sections 8(c) r/w. 21(c), 27(A) and 29(1) of NDPS Act that he handed over the contraband to the 2nd accused to keep it safely inside his house, for which, he has paid a sum of Rs.5,000/- to the 2nd accused. The case was split up as against the accused No.2 in C.C.No.21 of 2019. After the trial, the trial Court, by its Judgment dated 15.04.2025, found the petitioner guilty for the offence under Section 8(c) r/w. 21(c) and 29(1) of NDPS Act, convicted and sentenced him to undergo 14 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo 2 years simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.699 of 2025 and the same was admitted by this Court on 27.10.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submits that no recovery was made from the petitioner. However, he has been implicated in this case only based on the confession statement of the 2nd accused. The investigating officer admitted in his cross examination that no materials were recovered from the petitioner. He further submits that there is no linking materials as against the petitioner, however, based on confession statement of the 2nd accused, the trial Court has convicted the petitioner. He further submits that the petitioner was in jail for more than one year during the trial and thereafter, he is in jail from the date of conviction, i.e. from 15.04.2025.

3. The learned Additional Public Prosecutor submits that the petitioner only handed over the contraband to the 2nd accused to keep it safely in his house, for which, he has paid a sum of Rs.5,000/- to him. He further submits that earlier, the petitioner was enlarged on bail by the I Additional Special Court for NDPS Act, in Crl.M.P.No.1531 of 2019, dated 19.07.2019. Thereafter, he was absconding. Therefore, a Non-bailable warrant has been issued against him. Since the petitioner has failed to appear before this Court and failed to file any application to recall NBW issued against him, the trial Court directed to register a case under Section 229(A) IPC against him. Pursuant to the direction



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of the trial Court, a case has been registered against him in Cr.No.202 of 2023 under Section 229(A) IPC, on the file of the Anna Nagar Police Station.

4. This Court considered the rival submissions made.

5. The petitioner has raised certain arguable points in this appeal. However, the appeal could not be taken up for final hearing for want of time. Considering the period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately for want of time, this Court is inclined to suspend the sentence with conditions.

6. 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.50,000/- (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) Out of two sureties, one surety must be a Government servant. The sureties shall also file an affidavit before the concerned Police Station, by



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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 petitioner shall appear before the Inspector of Police, NIBCID, Chennai, daily at 10.30 a.m. until further orders.

24.03.2026

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To

1. The I Additional Special Court for NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
NIBCID Thoothukudi,
Thoothukudi District.
4. The Inspector of Police,
NIBCID,
Chennai.

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B.PUGALENDHI, J.

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

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