



CRL MP(MD)No.10494 of 2026
in CRL A(MD)No.1086 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.10494 of 2026

in

CRL A(MD)No.1086 of 2025

Ganesan

... Petitioner

Vs

The State of Tamil Nadu, Rep. by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No. 378 of 2024.

... Respondent

This petition filed under Section 430(1) of BNSS seeking to suspend the sentence imposed by the learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Thanjavur, in CC.No.104 of 2024 dated 20.05.2025 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mrs.V.Moushica,
Counsel for State of Tamil Nadu (Crl. side)

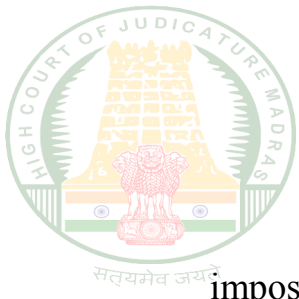


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ORDER

The petitioner is the sole accused in C.C.No.104 of 2024 on the file of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur. He was tried for the offence under Section 8(c) r/w. Section 20(b)(ii)(B) of NDPS Act, 1985 that he was found in possession of 17.320 kgs. of ganja. In conclusion of trial, the trial Court, by Judgment dated 20.05.2025, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(B) of NDPS Act and convicted and sentenced to him to undergo rigorous imprisonment for seven years with fine of Rs.50,000/-, in default, to undergo rigorous imprisonment for one year. Challenging the same, the petitioner/accused has preferred a criminal appeal in CrI.A.(MD)No.1086 of 2025 and the same was admitted by this Court on 20.05.2025. Along with the criminal appeal, the petitioner had also filed a petition in CrI.M.P.(MD)No.14055 of 2025, seeking to suspend the sentence imposed by the trial Court and the same was dismissed by this Court on 25.03.2026, considering the antecedent of the petitioner and also considering the fact that the petitioner has not disclosed his involvement in other cases. This is the second petition filed by the petitioner seeking to suspend the sentence



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imposed by the trial Court.

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2. The learned counsel appearing for the petitioner submits that with regard to the antecedent, the cases have been registered as against the petitioner for the purpose of statistics and he has been forced to admit the offence and he has been let off with fine. In this case, the prosecution has projected as if the petitioner was found in possession of 17.320 kgs. of ganja. Though the ganja was said to have been recovered from the petitioner on 08.06.2024, it was produced before the concerned Court only on 26.06.2024, i.e. with a delay of 18 days. Further, the mandatory provision under Section 52(A) of the NDPS Act has not been complied with. The learned counsel, by referring to the evidence of P.W.3, submits that P.W.3 has not stated as to how he came to know that the ganja is available in the bags. He further submits that the the petitioner is in jail from the date of arrest, ie. for nearly 653 days and the period of imprisonment is only for a period of 7 years. Therefore, he seeks to suspend the sentence imposed by the trial Court.



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3. The learned counsel for State of Tamil Nadu (Crl. Side) submits that this is the second petition and the earlier petition filed by the petitioner in Crl.M.P.(MD)No.14055 of 2025 was dismissed by this Court on 25.03.2026. She further submits that the contraband was produced before the concerned Judicial Magistrate and after obtaining an endorsement, the same was produced before the Special Court. Since the contraband was produced immediately before the Judicial Magistrate, the petitioner cannot take it as a ground that the samples have been produced before the Court belatedly. She further submits that the petitioner is a habitual offender under NDPS Act, having five previous cases of similar in nature. Therefore, she opposed to suspend the sentence imposed against the petitioner.

4. This Court considered the rival submissions made.

5. The petitioner was arrested along with the contraband of 17.320 kgs. of ganja. Apart from this case, the petitioner has also involved in five other previous cases of similar in nature. The case



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details produced by the respondent Police disclosed that all those cases have been disposed of. The learned counsel for the petitioner claims that those cases have been registered for the purpose of statistics and he has been forced to admit the offence and he has been let off with fine amount. Be that as it may. The petitioner has raised certain arguable points in support of the appeal, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken for final hearing for want of time. The petitioner is in jail for nearly 653 days. The quantity of ganja involved in this case is also an intermittent quantity.

6. In view of the above and also considering the period of incarceration undergone by the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions. 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of



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the learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Thanjavur. The sureties must be respectable Government Servants.

(ii) The petitioner 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.

(iii) 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 during the appeal proceedings.

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

(v) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will not indulge in any other offence in future and he will be available during the appeal proceedings.



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(vi) 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.

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To

1. The Additional District Judge / Presiding Officer,
Special Court for EC Act Cases,
Thanjavur.
2. The Superintendent,
Central Prison,
Trichy.
3. The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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