

*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrI A(MD)No.265 and 57 of 2025*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2026

CORAM:

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

**CrIMP(MD)Nos.11065 and 11707 of 2026 in
CrI A(MD)Nos.265 and 57 of 2025**

P.Yogaraj

...Petitioner

in CrI MP(MD)No.11065 of 2026

Arun Kumar

...Petitioner

in CrI MP(MD)No.11707 of 2026

Vs

The State of Tamil Nadu Rep by
the Inspector of Police,
Dindigul Town PS,
Dindigul District.
[Crime No.163 of 2023]

... Respondent in both MPs

PRAYER: Petitions filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioners by the I Additional Special Court for NDPS Act Cases, Madurai in CC.No. 20 of 2024 dated 14.11.2024 and enlarge the petitioners on bail pending disposal of the criminal appeals.

For Petitioner : Mr.N.Manimaran
in CrIMP(MD)No.11065 of 2026
: Mr.RC.Paul Kanagaraj
in CrIMP(MD)No.11707 of 2026
For Respondent : MrA.Robinson
Government Advocate



*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

ORDER

WEB COPY

The petitioners are accused Nos.3 and 1 in CC.No.20 of 2024 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. By judgment dated 14.11.2024, the petitioners were found guilty, convicted and sentenced to undergo 12 years rigorous imprisonment with fine of Rs.1,00,000/-, in default to undergo 2 years simple imprisonment for the offence under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act. As against the conviction and sentence imposed by the trial Court, the petitioners have filed CrIA(MD)Nos.265 of 2025 and 57 of 2025. The appeals were admitted by this court. The earlier petitions filed by the petitioners in CrIMP(MD)Nos.2659 of 2025 and 728 of 2025 were dismissed by this court by order dated 04.04.2025 and 14.02.2025 respectively. Now these petitions have been filed to suspend sentence that though the earlier petitions have been dismissed, the appeals could not be taken up for final hearing.

2.The learned counsel for the petitioner in CrIMP(MD)No.11065 of 2026/A3 submits that the petitioner's name does not find place in the

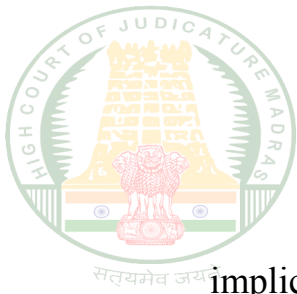


*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

WEB COPY

Athachi and his signature was not obtained by the investigating officer in the Athachi. PW1 and PW2 have stated in their cross examination that contraband was not recovered from this petitioner. The report as required under Section 57 of the NDPS Act has not been filed. There is no material collected by the prosecution to prove the allegation of conspiracy among the accused. He further submits that the provisions under Section 42, 49, 52(A) of the NDPS Act have not been followed. The petitioner is in jail for 2 years and 11 months.

3.The learned counsel for the petitioner in CrIMP(MD)No.11707 of 2026 submits that the occurrence took place in a car, therefore, Section 42 of the NDPS Act is applicable, but the trial court held that Section 43 of the NDPS Act is applicable. The search was conducted and seizure was done after sunset and before sunrise, but there is no warrant or authorisation in this regard as mandated under Section 42(1) of the NDPS Act. He further submits that there are contradictions between PW1 and PW2, who are the seizure officer and attested mahazar witness. The provisions under Section 42 and 57 of the NDPS Act have not been complied with. He further submits that this petitioner was wrongly



*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

WEB COPY

implicated in a murder case and therefore, he has raised objection to the Deputy Superintendent of Police and therefore, this case has been foisted as against him. The learned counsel by referring to the evidence submits that he has elicited the same before the trial court that there was dispute between the accused No.1 and the DSP, who was the investigating officer in this case. The petitioner is in jail for more than 3 years.

4.The learned Government Counsel submits that A1 in this case is a suspended police constable, indulged in the offence under the NDPS Act. According to him, the contraband has been seized on 24.07.2023 from a car, bearing registration No.TN57 AM 4462, which stands in the name of the petitioner's wife. She is also examined as PW5 and she admitted before the trial court that the said car belongs to her. The learned Government Counsel points out that the earlier petitions filed by the petitioners were discussed in detail and were dismissed by this court considering the quantity of contraband involved in this case. He further submits that accused No.3 has involved in one previous case and accused No.1 has involved in three previous case.



WEB COPY

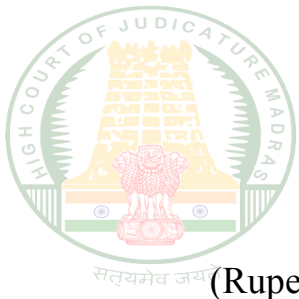


*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

5.This court has considered the rival submissions made.

6.The petitioners were arrested that they have transported ganja in a car bearing registration No.TN57 AM 4462. The ganja has been recovered from a car, the petitioners and two others were arrested. The accused No.1 claims that he has been falsely implicated in this case. The petitioners have raised certain arguable points in these petitions, which can be considered only during the final hearing of the appeals. Though the earlier petitions filed by the petitioners have been dismissed by this court on 04.04.2025 and 14.02.2025, the appeals could not be taken up for hearing for want of time. The petitioners are in jail nearly for 3 years. Considering the period of incarceration and grounds raised in these petitions and that the appeals could not be taken up immediately for final hearing, this Court is inclined to allow these petitions. Accordingly these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended pending disposal of the criminal appeals on the following conditions:

(i) The petitioner in CrIMP(MD)No.11065 of 2026 / A3, is ordered to be enlarged on bail on executing a bond for a sum of Rs.1,00,000/-



*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

WEB COPY

(Rupees One Lakh) with two sureties each for a like sum and the petitioner in CrIMP(MD)No.11707 of 2026 /A1 is ordered to be enlarged on bail on executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakh) with two government sureties, except from Police Department, each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(ii) The petitioners and the sureties shall file an affidavit before the respondent police that the petitioners will not misuse this liberty and will not indulge in any further offence.

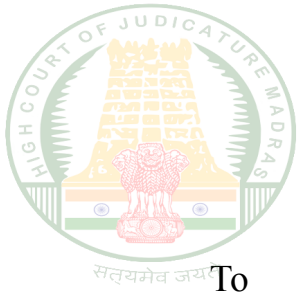
(iii) The petitioners shall report before the respondent police daily at 10.30 am.

(iv) If the petitioners change their residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the petitioners violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

24.06.2026

DSK



*CrIMP(MD)Nos.11065 and 11707 of 2026
in CrIA(MD)No.265 and 57 of 2025*

To
WEB COPY

- 1.The Additional District Judge,
I Additional Special Court
for NDPS Act Cases,
Madurai.
- 2.The Inspector of Police,
NIB-CID, Dindigul,
Dindigul District,
- 3.The Superintendent,
Central Prison,
Trichy.
- 4.The Superintendent,
Central Prison,
Madurai.

Copy to

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



WEB COPY



*CrlMP(MD)Nos.11065 and 11707 of 2026
in CrlA(MD)No.265 and 57 of 2025*

B.PUGALENDHI.J.,

DSK

**CrlMP(MD)Nos.11065 and 11707 of 2026
in
Crl A(MD)Nos.265 and 57 of 2025**

24.06.2026