



Crl.MP(MD) Nos.8022 & 19276 of 2025 in
Crl.A(MD) No.695 & 1314 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) Nos.8022 & 19276 of 2025

in

Crl.A(MD) No.695 & 1314 of 2025

M.Suriya

... Petitioner in
Crl.MP(MD) No.8022 of 2025

1.P.Manikandan

2.A.Arichandran @ Pandi

... Petitioners in
Crl.MP(MD) No.19276 of 2025

Vs

The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
Crime No.222 of 2021

... Respondent in
both Crl.MPs

Common Prayer :- These Criminal Miscellaneous Petitions are filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioners in CC No.329 of 2021, dated 15.03.2023 by the I Additional District Judge for NDPS Act cases, Madurai and enlarge



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them on bail, pending disposal of the criminal Appeal.

For Petitioners : Mr.N.Manimaran
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)

ORDER

The petitioners, who are A2, A3 & A5 in CC No.329 of 2021, on the file of the I Additional Special Court for NDPS Act cases, Madurai were tried that they were in possession of 24 kg of ganja. The trial Court has found the petitioners guilty, 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 Rigorous imprisonment each	Rs.1,00,000/- each	One year simple imprisonment each

As against the conviction and sentence imposed by the trial Court in CC No.329 of 2021, dated 15.03.2023, the petitioners have filed Criminal Appeals in Crl.A(MD) Nos.695 & 1314 of 2025 and the same was admitted by this Court, by order, dated 25.06.2025 & 05.12.2025 respectively. Along with the appeal, the petitioners have



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also moved these applications to suspend the sentence imposed on them.

2.Since the petitioners in both the applications are accused in CC No.329 of 2021, on the file of the I Additional Special Court for NDPS Act cases, Madurai, these applications are disposed of by this common order.

3.The learned counsel appearing for the petitioners has raised the following grounds for grant of suspension of sentence:-

- i. The alleged contraband was not recovered from the petitioners.
- ii. No independent witnesses have been examined to establish the case of the prosecution.
- iii. The prosecution has failed to comply with the mandatory provision under Section 42 of NDPS Act.
- iv. The petitioners are in jail for the past 4 years and 8 months.



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v. A4, who is similarly placed as that of these petitioners has filed a Criminal Appeal in Crl.A(MD) No.351 of 2023 before this Court and the same was allowed in favour of A4, by a Judgment, dated 12.09.2025. While rendering the above judgment, this Court has ordered compensation of a sum of Rs.10,00,000/- jointly on PW 2, PW 3 and PW 4, for foisting such a false case.

3.The learned Government Advocate (Crl.side) appearing for the respondent has opposed for grant of suspension of sentence to these petitioners that they were in possession of 24 kg of ganja, which is a commercial quantity. By referring to the orders of the Honourable Supreme Court in Narcotics Control Bureau Vs. Kashif, in Criminal Appal No.5544 of 2024 in Special Leave Petition (Crl.)No.12120 of 2024, dated 20.12.2024, the learned Government Advocate submits that the procedural irregularities cannot be taken as a ground for grant of suspension of sentence. He further submits that A2 is having two



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previous cases and A5 is having one previous case to their credit.

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

5.The petitioners were tried along with A4 and the trial Court found them guilty, convicted, and sentenced as stated supra. The appeal filed by one of the co-accused /A4 in Crl.A(MD) No.351 of 2023 was allowed, by imposing cost as against the prosecuting agency for having foisted a false case. The petitioners have raised certain arguable points, however, the typed set of papers are not made ready. The petitioners have almost completed half of their punishment. Therefore, this Court is inclined to grant suspension of sentence to these petitioners. Considering the objections of the learned Government Advocate (Crl.side) that A2 is having two previous cases and A5 is having one previous case to their credit, this Court imposes certain stringent conditions on the petitioners.



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6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the I Additional District Judge for NDPS Act cases, Madurai and the sureties must be Government servants.
- ii. The persons, who are offering surety to the petitioners must file an affidavit of undertaking before the respondent police, ensuring that the petitioners will not involve in any offence in future and they will be available during the final hearing of the appeal. The petitioners shall also file an affidavit to that effect.



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iii. The petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.

iv. In the event, if there is any change in address of the petitioners, the same shall be duly informed to the respondent police without fail.

v. If the petitioners violate any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

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Index : Yes/No
Internet : Yes/No
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To

- 1.The I Additional Special Court for NDPS Act cases, Madurai
- 2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
- 3.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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B.PUGALENDHI, J.,

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Common Order made in
Crl.MP(MD) Nos.8022 & 19276 of 2025
in
Crl.A(MD) No.695 & 1314 of 2025

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