



*Crl.M.P.(MD)No.9272 of 2025
in Crl.A.(MD)No.761 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9272 of 2025

in Crl.A.(MD)No.761 of 2025

1. Pugal
2. Anbazhagan

... Petitioners

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
NIB CID,
Theni District.

... Respondent

Petition filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioners/appellants/accused Nos.5 and 6, by the I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.6 of 2023 dated 08.04.2025 and enlarge the petitioners on bail pending disposal of the Criminal Appeal.

For Petitioners : Mr.M.Jegadeesh Pandian

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



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ORDER

The petitioners are accused Nos.5 and 6 in C.C.No.6 of 2023 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. The petitioners were tried along with four other accused, before the Trial Court for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25, 29(1) and 27(A) of NDPS Act. The petitioners were not arrested during the trial and therefore, the case was split up as against the petitioners in C.C.No.6 of 2023. As against four other accused, the case was tried in C.C.No.193 of 2022. After the trial, accused Nos.1 and 2 were convicted by the trial Court for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act, however, accused Nos.3 and 4 were acquitted from all the charges, by its Judgment dated 09.10.2023, in C.C.No.193 of 2022. Challenging the Judgment of conviction, accused Nos.1 and 2 have preferred Criminal Appeals in Crl.A.(MD)Nos.1009 and 1010 of 2023 and the same were allowed by this Court, by Judgment dated 15.10.2025. The trial as against the petitioners/accused Nos.5 and 6 were conducted in C.C.No.6 of 2023. After the trial, the trial Court, by its Judgment dated 08.04.2025, found the petitioners/accused Nos.5 and 6 guilty for the offence under Section 29(1) r/w.



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20(b)(ii)(C) of NDPS Act and convicted and sentenced to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs.1,00,000/- each, in default, to undergo simple imprisonment for a further period of two years each. Challenging the Judgment of conviction and sentence, the petitioners have preferred an appeal in Crl.A.(MD)No.761 of 2025 and the same has been admitted by this Court on 17.07.2025. Along with the Criminal Appeal, the petitioners have also moved this petition to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioners submits that there is no corroboration between the evidence of prosecution witnesses and therefore, their evidence are totally contradictory in nature. He further submits that there was no recovery from the appellants and the entire recovery is from the accused Nos.1 and 2. Now, the accused Nos.1 and 2 were acquitted by this Court, in Crl.A.(MD)Nos.1009 and 1010 of 2023, by Judgment dated 15.10.2025. Therefore, the petitioners are also entitled for the same relief.



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3. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

4. The learned counsel for the petitioners has raised certain arguable points, which can be considered only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing for want of time. Further, the co-accused have been acquitted by the trial Court as well as by this Court. Considering the points raised by the petitioners, the period of incarceration and also considering the fact that the co-accused have been acquitted by the trial Court as well as by this Court, this Court is inclined to allow this petition.

5. 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 executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai and on further condition that the petitioners shall appear before the said Court once



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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.

03.03.2026

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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,
NIB CID,
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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