



Crl.MP(MD) No.11185 of 2025 in
Crl.A(MD) No.901 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.11185 of 2025

in

Crl.A(MD) No.901 of 2025

D.Raju @ Mahendra Panod

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
NIB CID Police Station,
Madurai.

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in CC No.279 of 2020, dated 22.04.2025 on the file of the II Additional Special Court for EC and NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal Appeal No.901 of 2025.

For Petitioner : Mr.N.Manimaran

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor



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ORDER

The petitioner/A1 in CC No.279 of 2020, on the file of the II Additional Special Court for EC and NDPS Act cases, Madurai was tried along with the other accused that they were found in possession of 124 kg of ganja in a Car bearing Registration No.AP 29 PS 1235. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 20(b) (ii) (C), 25 and 29(1) of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	1 year simple imprisonment

As against the conviction and sentence imposed by the trial Court in CC No.279 of 2020, dated 22.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.901 of 2025 and the same was admitted by this Court, by order, dated 26.08.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2.The learned counsel appearing for the petitioner submits that on 18.07.2018 at about 18.30 hours, the respondent police has recovered 124 kg of ganja from a Car bearing Registration No.AP 29 PS 1235, near Kaliasman Temple, Theni Main Road. The case was originally registered that the occupants in the Car have escaped from the spot on seeing the police party. Thereafter, this petitioner was secured only on 03.09.2023 and since then, he is in jail. The learned counsel further submits that there is no recovery of ganja from this petitioner. He has been implicated in this case that his driving licence was recovered from the Car, from where, the contraband was seized. The owner of the Car, namely, Banodhu Vijaya has filed an application in Cr.MP No.2633 of 2018, seeking interim custody of the vehicle before the trial Court. After hearing the respondent police, the Car was also handed over to that person. However, the investigation agency has not examined the owner of the vehicle to verify as to whether this petitioner has driven the vehicle on the date of occurrence



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or the vehicle has been handed over to this petitioner on that particular date and under what circumstances. He further submits that the contraband was said to be recovered from this petitioner on 19.04.2018, however, it was produced before the Court only on 23.04.2018, with a delay of five days. There was a delay in sending the samples to Forensic Laboratory. According to him, the mandatory provisions under Sections 42(1), 42(2), 52(A) and 57 of NDPS Act have not been complied with. Therefore, the learned counsel seeks grant of suspension of sentence to this petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent submits that a huge quantity to an extent of 124 kg of ganja has been recovered from a Car bearing Registration No.AP 29 PS 1235. The registration number of the Car shows that the owner of the Car belongs to Telangana. This petitioner is also a native of Telangana. His driving licence was recovered from the Car, from where, the entire contraband was seized. According to the learned



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Additional Public Prosecutor, this petitioner was absconding for four years and thereafter he was secured only on 03.09.2023. There are enough materials as against this petitioner. Apart from this case, the petitioner has also involved in yet another case, which is similar in nature, on the file of the Varangal Police Station. In the event, if he is released on bail, he may indulge in further offence. Therefore, he prays for dismissal of this petition.

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

5.The only material as against this petitioner is that his driving licence was recovered from a Car bearing Registration No. AP 29 PS 1235, from where, the contraband was seized. However, the respondent police has not examined the person, who has claimed the ownership of the offending vehicle. The respondent police has not verified as to under what circumstances, this Car has been entrusted



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with this petitioner. This petitioner was arrested on 03.09.2023 and he is in jail for two years and seven months.

6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the criminal appeal. However the appeal could not be taken up immediately, for want of time. In view of the above and considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioner. However, considering the serious objections raised by the learned Additional Public Prosecutor, this Court imposes certain stringent conditions on the petitioner.

7.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:-



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- i. The petitioner 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 II Additional Special Court for EC and NDPS Act cases, Madurai and the sureties must be Government servants, one surety from Tamil Nadu and another from Telungana.
- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not involve in any offence in future and he will be available during the final hearing of the appeal. The petitioner shall also file an affidavit to that effect.
- iii. The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders.



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iv. 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.

25.03.2026

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,
Cumbum North Police Station,
Theni District.
3. The Superintendent,
Central Prison,
Madurai.



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B.PUGALENDHI, J.,

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Order made in
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