



Crl.M.P.(MD)No.9623 of 2025

in Crl.A.(MD)No.779 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9623 of 2025

in Crl.A.(MD)No.779 of 2025

Marimuthu

... Petitioner

versus

State of Tamil Nadu, rep. by
The Inspector of Police,
NIB CID Police Station,
Madurai.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed by the learned Additional District Judge, Principal Special Court for EC & NDPS Act cases, Madurai, made in C.C.No.304 of 2022 dated 28.02.2025 insofar as the petitioner/accused No.3 is concerned and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.E.Satheesh

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



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ORDER

The petitioner is the 3rd accused in C.C.No.304 of 2022 on the file of the learned Additional District Judge, Principal Special Court for EC & NDPS Act Cases, Madurai. He was tried for the offence under Sections 8(c) r/w. 20(b)(ii) (C) and 29(1) and 25 of NDPS Act that he along with other accused has illegally transported 60 kgs of ganja. After the trial, the trial Court, by its Judgment dated 28.02.2025, found the petitioner guilty for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25 of NDPS Act and convicted and sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner/A3 has filed an appeal before this Court in Crl.A.(MD)No.779 of 2025 and the same was admitted by this Court on 30.07.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submits that the material object has been recovered on 13.06.2021, but, it reached the Court only on 22.06.2021 and there is no proper explanation on the side of the prosecution for the said delay. Therefore, the delay in sending the material object to the Court is fatal to the case of the prosecution. He further submits that P.W.1 deposed that the information has been recorded in the general diary, whereas, the copy of the general diary has not been placed before this Court. Further, the prosecution agency has not examined any independent witness in this case. Therefore, the petitioner is having certain arguable points in this case. Since the petitioner is in jail for more than 1 ½ years, he seeks to grant bail to by suspending the sentence.

3. The learned Additional Public Prosecutor submits that in this case, totally, there are 11 accused and the petitioner is the 3rd accused. On 13.06.2021 at 8.00 hrs., when the police officials were on surveillance duty near CMS Mill Junction, they found that the 3rd and 4th accused have illegally transported 60 kgs. of ganja in an auto for sale and the 1st and 2nd accused have escorted the vehicle in a two wheeler. After the enquiry, the police officials arrested them and recovered the contraband of 60 kgs. of ganja from the

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accused persons. Based on confession statement of the 1st accused, they arrested the 6th accused and recovered the contraband of 130 kgs of ganja from his house. He further submits that accused Nos.7 to 9 through accused No.11 went to Andhra Pradesh and bought ganja and kept it for sale. Therefore, if the petitioner is released on bail, he may indulge in similar offence in future. Therefore, he strongly opposed to grant bail to the petitioner.

4. Considering the nature of offence, quantity of ganja and also considering the fact that the petitioner was arrested along with the contraband, this Court is not inclined to suspend the sentence imposed against the petitioner.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

23.03.2026

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To

1. The Inspector of Police,
NIB CID Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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