



Crl.M.P.(MD)No.13893 of 2025

in Crl.A.(MD)No.1072 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.13893 of 2025

in Crl.A.(MD)No.1072 of 2025

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... Petitioner

versus

The State of Tamil Nadu, Rep. by
The Inspector of Police,
Cumbum North Police Station,
Cumbum,
Theni District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the conviction and sentence imposed on the petitioner in Judgment made in C.C.No. 391 of 2021 dated 20.02.2025 by the I Additional Special Court for NDPS Cases, Madurai, pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Prabakaran

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



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ORDER

The petitioner is the 1st accused in C.C.No.391 of 2022 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried for the offence under Section 8(c) r/w. 20(b)(ii)(B) and 29(1) of NDPS Act that he was found in possession of 8 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 20.02.2025, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of the NDPS Act and convicted and sentenced him to undergo rigorous imprisonment for four years and to pay a fine of Rs.25,000/-, in default, to undergo simple imprisonment for 12 months. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1072 of 2025 and the same was admitted by this Court on 09.03.2026. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the samples have not been taken properly and the contraband, which has been recovered, has not been produced before the concerned Judicial Magistrate



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Court immediately. He further submits that the petitioner was in jail from the date of arrest for nearly 80 days and thereafter, he is in jail from the date of conviction, totally, for more than one year.

3. The learned Additional Public Prosecutor submits that the respondent Police has recovered 8 kgs. of ganja from the petitioner. That apart, the petitioner is also involved in six previous cases of similar in nature. He further submits that the petitioner is a habitual offender and in the event, if he is released on bail, he will indulge in similar offence in future. Therefore, he strongly opposed to grant bail to the petitioner.

4. This Court considered the rival submissions made.

5. The petitioner is the 1st accused and he was tried for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of the NDPS Act and he was found guilty, convicted and sentenced by the trial Court as stated supra.

6. The petitioner has raised certain points, which can be considered only during the final hearing of the appeal. The appeal could not be taken up for



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final hearing for want of time. The petitioner is languishing in jail for the past one year. Considering the period of incarceration and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition. However, considering the objection raised by the learned Additional Public Prosecutor that the petitioner is having six previous cases of similar in nature, this Court is inclined to suspend the sentence with stringent conditions.

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:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(ii) the persons who are giving sureties should be Government Servants and the sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he will be available till the disposal of the appeal proceedings.



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(iii) The petitioner shall stay at Trichy and report before the Inspector of Police, Uppiliapuram Police Station, Trichy, daily at 10.30 a.m. until further orders.

23.03.2026

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To

1. The I Additional Special Court for NDPS Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Uppiliapuram Police Station, Trichy,
4. The Inspector of Police,
Cumbum North Police Station,
Cumbum, Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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