



Crl.MP(MD) No.15004 of 2025 in
Crl.A(MD) No.1121 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.15004 of 2025

in

Crl.A(MD) No.1121 of 2025

Murugan

... Petitioner

Vs

The Inspector of Police,
NIB CID,
Theni,
Theni District.
Crime No.184/2014

... 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.181 of 2025, dated 02.04.2025 by the I Additional Special Court for NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal Appeal.

For Petitioner : Mr.K.Prabakaran
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

The petitioner, who is the sole accused in CC No.181 of 2025, on the file of the I Additional Special Court for NDPS Act cases, Madurai was tried that the petitioner was in possession of 26 kg of ganja. 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) of NDPS Act.	10 years Rigorous imprisonment	Rs.1,00,000/-	One year simple imprisonment

As against the conviction and sentence imposed by the trial Court in CC No.181 of 2015, dated 02.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1121 of 2025 and the same was admitted by this Court, by order, dated 22.10.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him.



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

- i. Though the First Information Report was registered on 08.11.2014, the contraband was produced before the trial Court only on 07.01.2015 and the sample was sent to Forensic Laboratory on 28.04.2015. The above delay has not been properly explained by the prosecution.
- ii. As per the prosecution case, the request letter for chemical analysis has been submitted by one Alagu Raja, the Sub Inspector of Police, however, he has not been cited as a witness.
- iii. There are several contradictions in the prosecution evidence as well in the documents, however, the trial Court has failed to appreciate the same in a proper and perspective manner.
- iv. The petitioner is in jail for more than two years.



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3.The learned Additional Public Prosecutor appearing for the respondent has opposed for grant of suspension of sentence to this petitioner that the petitioner is the sole accused and he was in possession of 26 kg of ganja. He further submits that one previous case of similar in nature is pending as against this petitioner.

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

5.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, considering the period of incarceration, this Court is inclined to suspend the sentence imposed on him. However, considering the objection raised by the learned Additional Public Prosecutor, this Court imposes certain stringent conditions on the petitioner.



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6. 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 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 Special Court for EC and NDPS Act cases, Madurai and one surety must be a Government servant.
- 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.



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

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.

06.04.2026

Index : Yes/No
Internet : Yes/No
vrn



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To

- 1.The I Additional Special Court for NDPS Act cases, Madurai
- 2.The Inspector of Police,
NIB CID,
Theni,
Theni 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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Order made in
CrL.MP(MD) No.15004 of 2025
in
CrL.A(MD) No.1121 of 2025

06.04.2026