

*Crl.MP(MD) No.14328 of 2025 in
Crl.A(MD) No.1095 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.14328 of 2025
in Crl.A.(MD)No.1095 of 2025

M.Prasath

... Petitioner

Vs.

The Deputy Superintendent of Police,
Thirukattipalli Police Station,
Thanjavur District.
Crime No.274/2024

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner in C.C.No.148 of 2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Mani Maran

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. Side)



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ORDER

The petitioner, an accused in C.C.No.148 of 2024, on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(C) of NDPS Act	20 years RI	Rs. 2,00,000/-	3 years RI

As against the conviction and sentence imposed by the trial Court in C.C.No.148 of 2024, dated 04.09.2025. the petitioner has filed a Criminal Appeal in Crl.A(MD)No.1095 of 2025 and the same was admitted by this Court on 09.03.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 17.06.2024, at about 13.45 hours, A1 and A2 were found to be in illegal possession of 27.370 kg of ganja. Hence, the case.



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3. The learned counsel appearing for the petitioner submits that the petitioner has been in custody from 17.06.2024 till date. He further submits that the recovery of 10.440 kg of ganja from the petitioner has not been established in the manner known to law. According to him, the prosecution has failed to comply with the mandatory provisions under Sections 42, 50, 52A and 57 of the NDPS Act, thereby vitiating the entire investigation. He further submits that though Ex.P-8 relates to the information received by one Mr.Ramadas, the said officer was neither cited as a witness nor examined before the Trial Court. It is also contended that P.W.3 did not identify the material objects and M.Os. S1, S3, S5 and S23 were not properly marked during the trial, thereby depriving the defence of an effective opportunity to cross-examine. The learned counsel further submits that the samples were not drawn at the place of occurrence and that there was an unexplained delay in producing the seized contraband before the Trial Court. He also contended that the prosecution has failed to establish the offence under Section 29(1) of the NDPS Act, as there is no material to prove any conspiracy, such as documentary evidence, bank transactions or Call Detail Records (CDR). According to him, the petitioner has no criminal antecedents.



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4. The learned Government Advocate appearing for the respondent opposed the grant of suspension of sentence, that the petitioner was found in possession of 10.440 kg of ganja. She further submits that, apart from the present case, the petitioner is also involved in Crime No.213 of 2023 on the file of Usilampatti Town Police Station for the offences punishable under Sections 294(b), 323, 324 and 506(1) IPC.

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

6. The petitioner 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. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

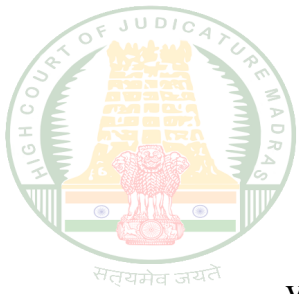


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7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.
- iii. The petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future.



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v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

30.06.2026

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To

1.The learned Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act, Thanjavur.

2.The Deputy Superintendent of Police,
Thirukattipalli Police Station,
Thanjavur District.

3.The Superintendent,
Central Prison,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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