



Crl.MP(MD) No.18311 of 2023 in  
Crl.A(MD) No.298 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :30.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.MP(MD) No.18311 of 2023

in

Crl.A(MD) No.298 of 2023

Venkadachalam

... Petitioner

Vs

The Inspector of Police,  
Athoor Police Station,  
Thoothukudi District.  
Crime No.137 of 2019

... 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.97 of 2020, dated 10.03.2023 by the Principal Special Judge for EC & NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal Appeal.

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



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## **ORDER**

The petitioner, who is arrayed as A1 in CC No.97 of 2020, on the file of the Principal Special Court for EC & NDPS Act cases, Madurai was tried along with the other accused that the accused persons were found in possession of 294 kg of ganja in a vehicle bearing Registration No.TN 04 AK 4762 in Athoor to Senthamangalam Road, near VV Minerals Company. 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<br>20(b) (ii)<br>(C),29(1)<br>and 25 of<br>NDPS Act. | 10 years<br>Rigorous<br>imprisonment | Rs.1,00,000/- | 6 months<br>simple<br>imprisonment |

As against the conviction and sentence imposed by the trial Court in CC No.97 of 2020, dated 10.03.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.298 of 2023 and the same was admitted by this Court, by order, dated 13.04.2025. Along with the appeal, the petitioner has also moved this application to suspend the



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sentence imposed on him by the trial Court in the year 2023 and the same is still pending.

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

- i. This petitioner is languishing in jail for the past 6 years and 7 months.
- ii. The mandatory provision under Section 50(1) of NDPS Act has not been complied with.
- iii. Though the contraband was recovered on 21.08.2019, the properties were not produced at the time of remand.
- iv. Eventhough the occurrence place was a bustling area, no independent witness was examined on the side of the prosecution.
- v. Out of 11 accused in this case, this petitioner alone was convicted by the trial Court.



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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 294 kg of ganja was recovered in this case. He further submits that no previous case 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 and that no previous case is pending as against this petitioner, 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.

**30.03.2026**

Index : Yes/No  
Internet : Yes/No  
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To

- 1.The Principal Special Judge for EC & NDPS Act cases, Madurai.
- 2.The Inspector of Police,  
Athoor Police Station,  
Thoothukudi District.
- 3.The Superintendent,  
Central Prison,  
Madurai.



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**B.PUGALENDHI, J.,**

vrn

**Order made in**  
**CrL.MP(MD) No.18311 of 2023**  
**in**  
**CrL.A(MD) No.298 of 2023**

**30.03.2026**