



Crl.MP(MD) No.17214 of 2025 in
Crl.A(MD) No.1219 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.17214 of 2025

in

Crl.A(MD) No.1219 of 2025

Prakash Raj @ Prakash

... Petitioner

Vs

The Inspector of Police,
Karimedu Police Station,
Madurai District.

... 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.93 of 2024, dated 09.07.2025 by the II Additional Special Court for NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal Appeal.

For Petitioner : Mr.P.Samuel Gnana Singh for
Mr.Ashok

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is A2 in CC No. 93 of 2024, on the file of the II Additional Special Court for NDPS Act cases, Madurai. He was tried along with the other accused that the accused persons have transported 51 kg of ganja in a Car bearing Registration No.TN 81 C 7312. 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/-	1 year simple imprisonment
2.	25 of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	1 year simple imprisonment
3.	29 of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	1 year simple imprisonment

As against the conviction and sentence imposed by the trial Court in CC No.93 of 2024, dated 09.07.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1219 of 202 5 and the same was admitted by this Court, by order, dated 17.11.2025. Along with the



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appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits that as per the prosecution case, the petitioner is an occupant of a Car. Apart from this, no other material has been collected by the investigation agency, connecting this petitioner with the other accused. The contraband was recovered from A1 and not from this petitioner. The learned counsel also claims that the petitioner is not having any bad antecedents under the NDPS Act. This petitioner is in jail for the past two years and five months. The learned counsel also claims that the alleged contraband has been produced before the trial Court only after a period of five days. The learned counsel has also raised certain doubts with regard to the ownership of the Car, from where, the contraband has been recovered. The prosecution has projected that A1 is the owner of the Car, however, during the course of trial, the prosecution has examined PW 4 as the owner of the Car. There are



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several contradictions in the evidence of PW 4 that he has leased out the Car to one Milton. Therefore, the prosecution has not established the ownership of the Car in a proper manner.

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that this petitioner was arrested along with the contraband in a Car, from where, the huge quantity of 51 kg of contraband was recovered. The prosecution has established the case with sufficient materials and therefore, this petition is liable to be dismissed.

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

5.The petitioner was arrested from the Car, from where, the contraband was recovered. That apart, the investigation agency has not collected any material, connecting this petitioner with the other



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accused and the contraband. Admittedly, this petitioner is in jail for the past two years and five months.

6.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 Government Advocate (Crl.side), this Court imposes certain stringent conditions on the petitioner.

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:-



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- 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 II Additional Special Court for 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.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.



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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

To

1. The II Additional Special Court for NDPS Act cases, Madurai
2. The Inspector of Police,
Karimedu Police Station,
Madurai District.
3. The Superintendent,
Central Prison,
Madurai.



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B.PUGALENDHI, J.,

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Order made in
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