



Crl.MP(MD) No.5303 of 2026 in
Crl.A(MD) No.305 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5303 of 2026

in

Crl.A(MD) No.305 of 2026

Veeraraj

...Petitioner

Vs

The Inspector of Police,
Palanicittipatti Police Station,
Theni District.
Crime No.146 of 2015

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to suspend the sentence imposed on the petitioner in CC No.100 of 2016, dated 05.10.2023, on the file of the Special Court for NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner/A3 in CC No.100 of 2016, on the file of the Special Court for NDPS Act cases, Madurai was tried along with three other accused that they were in possession of 50 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/-	Six simple imprisonment each

As against the conviction and sentence imposed by the trial Court in CC No.100 of 2016, dated 05.10.2023, the petitioner has filed Criminal Appeal in Crl.A(MD) No.305 of 2026 and the same was admitted by this Court, by order, dated 09.03.2026. Along with the appeal, the petitioner has also moved this petition for suspension of sentence.



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2.The learned counsel appearing for the petitioner submits that the petitioner was prosecuted along with three other accused and pending trial, A4/the wife of this petitioner died and therefore, charges as against her are abated. A1 and A2 were acquitted by the trial Court, however, this petitioner alone has been convicted for a period of 10 years. The petitioner has also raised the following grounds for grant of suspension of sentence:-

- i. As per the prosecution case, the alleged contraband was recovered from the house of A3 & A4, however, no document was produced to prove the ownership of the house by A3 & A4.
- ii. The prosecution has failed to comply with the mandatory provision under Section 42 of NDPS Act.
- iii. As per the definition of ganja, flowering and fruiting top alone would come under the purview of ganja and the stem, leaves and branches cannot be termed as ganja.
- iv. No witness deposed about the flowering top and the seized



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property could come under the intermediate quantity.

v. Except this case, no other case is pending as against this petitioner.

vi. The petitioner is languishing in jail from the date of conviction. i.e. 05.10.2023.

3. The learned Additional Public Prosecutor appearing for the respondent has opposed for grant of suspension of sentence to this petitioner and submits that this petitioner has been arrested with the contraband. Whether the contraband has been recovered from the house of the petitioner or not is immaterial, when the contraband has been recovered from this petitioner. He also confirmed that no other case is pending as against this petitioner.

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



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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 and 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.

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



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the satisfaction of the learned Judge, Special Court for NDPS Act cases, Madurai and the sureties must be respectable persons.

- 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.
- iv. In the event, if there is any change in address of the petitioner, the same shall be duly informed to the respondent police without fail.



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v. 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.

29.04.2026

Index : Yes/No

Internet : Yes/No

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To

1.The Special Court for NDPS Act cases, Madurai

2.The Inspector of Police,
Palanicittipatti Police Station,
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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