



Crl.MP(MD) No.19067 of 2025 in
Crl.A(MD) No.1303 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.19067 of 2025

in

Crl.A(MD) No.1303 of 2025

Sankar

... Petitioner

Vs

State of Tamil Nadu,
The Inspector of Police,
NIB CID Police Station,
Madurai,
Crime No.130 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.125 of 2020, dated 12.05.2023 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.S.Srikanth
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is A2 in CC No.125 of 2020, on the file of the I Additional Special Court for NDPS Act cases, Madurai. He was tried along with the other accused that they were in possession of 38 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.125 of 2020, dated 12.05.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1303 of 2025 and the same was admitted by this Court, by order, dated 03.12.2025. 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. The prosecution has not established the conscious possession of the alleged contraband by the petitioner.
- ii. The petitioner has been implicated in this case based on the confession statement of the co-accused. Apart from the confession statement of the co-accused, there is no other incriminating materials as against this petitioner.
- iii. There are certain procedural irregularities in the prosecution case, such as, material discrepancy in the vehicle Registration number, non-compliance of mandatory provision under Section 57 of NDPS Act.
- iv. The period of conviction is 10 years and this petitioner is in jail for more than 6 years and 4 months, thereby he has completed more than half of the sentence.



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3.The learned Government Advocate (Crl.side) appearing for the respondent has opposed for grant of suspension of sentence to this petitioner that this petitioner is a notorious criminal involved in several cases and most of the cases are under the Prohibition Act. That apart, the petitioner was convicted in two cases, which were registered for IPC offences.

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

5.Admittedly, the petitioner has completed more than half of the sentence in prison, ie. he is in prison for more than 6 years and 4 months against the conviction period of 10 years. Considering the same, this Court is inclined to grant suspension of sentence. However, this Court wants to ensure that the petitioner would not involve in any offence in future and he would be available during the appeal. The



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petitioner has filed an affidavit of undertaking before this Court that he would not involve in any offence in future. He further undertakes that in the event of his involvement in any offence, the bail granted to him may be cancelled by this Court, without any reference.

6.In view of the above, considering the period of incarceration and also the typed set of papers is not yet made ready, this Court is inclined to suspend the sentence imposed on the petitioner. However, considering the objection raised by the learned Government Advocate, 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 learned Judge, I Additional Special Court for NDPS Act cases, Madurai, out of which, 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. 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.

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.

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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 Police Station,
Madurai.
- 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
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