



CrIMP(MD)No.18635 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2026

CORAM:

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

CrIMP(MD)No.18635 of 2025
in
CrIA(MD)No.1277 of 2025

Suresh Kumar

...Petitioner

Vs

The State of Tamil Nadu Represented by,
the Inspector of Police,
Dindigul West Town Police Station,
Dindigul District.
[Crime No.568 of 2022]

... Respondents

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in C.C.No.645 of 2023 dated 15.04.2025 passed by the I Additional Special Court for EC and NDPS Act Cases, Madurai and enlarge the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.Naresh Prabhu

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



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ORDER

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The petitioner is accused No.2 in CC.No.645 of 2023 on the file of the I Additional Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with other accused for the offence under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act. By judgment dated 15.04.2025, the petitioner has been found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo two years simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in CrI.A(MD) No.1277 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.The case of the prosecution is that the respondent police recovered 21 kgs of ganja from a bike parked behind the house of this petitioner, arrested this petitioner and two others from the scene



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of occurrence and they have also recovered 2 kgs of ganja from the house of accused No.7 and 14kgs of ganja from the house of accused No.8. In total 37 kgs of ganja was recovered and this petitioner and others were prosecuted. The trial court by its judgment dated 15.04.2025 acquitted accused Nos.4,5,8 and 9 and convicted this petitioner and other accused.

3.The learned counsel for the petitioner submits that there is no recovery from this petitioner and they have recovered the bike of the petitioner alone which was parked behind his house. The accused No.7 has filed an appeal in CrIa(MD)No.643 of 2023 and his sentence has been suspended by this court dated 08.03.2023. The petitioner is in jail for more than three years.

4.The learned Additional Public Prosecutor appearing for the respondent has confirmed the submission of the learned counsel for the petitioner and submits that the petitioner is not having any previous case.



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5.This court considered the rival submissions made and perused the material placed on record.

6.The petitioner has raised certain arguable points in this petition, 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 period of sentence imposed, the period of incarceration so far undergone, co-accused have been enlarged on bail and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand) with two



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sureties each for a like sum, to the satisfaction of the I Additional Special Judge for NDPS Act Cases, Madurai and the sureties must be respectable persons in the locality.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any further offence.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

03.03.2026

Index : Yes / No
DSK



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To

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- 1.The Inspector of Police,
Dindigul West Town Police Station,
Dindigul District.
- 2.The Additional District Judge,
I Special Court for EC and NDPS Act Cases,
Madurai.
- 3.The Superintendent,
Central Prison,
Trichy.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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