



Crl.MP.(MD).Nos.2980, 16332, 4678 & 18345/2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.02..2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). Nos.2980, 16332, 4678 & 18345/2025

in

CRL A(MD)Nos.297, 127/2024, 425/2025 & 936/2024

Marikumar ... Petitioner in
Crl.MP.(MD).No.2980/2024

Mansoor Ali ... Petitioner in
Crl.MP.(MD).No.16332/2024

Esakkimuthu ... Petitioner in
Crl.MP.(MD).No.4678/2024

P.Vinith ... Petitioner in
Crl.MP.(MD).No.18345/2024

Vs

State of Tamilnadu Rep by
The Inspector of Police,
NIB-CID Police Station
Thoothukudi District.
[Cr.No.8/2022]

... Respondent
in all the petitions



Crl.MP.(MD).Nos.2980, 16332, 4678 & 18345/2025

PRAYER in Crl.MP.(MD).No.18345/2025:- Petition filed under section 430[1] BNSS, to suspend the sentence and grant bail to the petitioners / appellants pending disposal of the Criminal Appeals before this Court against the judgment dated 13.12.2023 in CC.No.833/2022 on the file of the learned Principal Special Judge for EC & NDPS Act Cases, Madurai, in Crime No.8/2022 on the file of the respondent police Station.

PRAYER in Crl.MP.(MD).No.16332/2025:- Petition filed under Section 430[1] BNSS, to suspend the sentence imposed on the petitioner in CC.No.833/2022 on the file of the learned Principal Special Judge for EC&NDPS Act Cases, Madurai, dated 13.12.2023 and release the petitioner on bail till the disposal of the main appeal.

PRAYER in Crl.MP.(MD).No.4678/2025:- Petition filed under Section 389[1] of Cr.PC, to suspend the sentence and fine imposed as against the petitioner/Accused No.6 on the file of the learned Principal Special Judge for EC&NDPS Act Cases, at Madurai, in CC.No.833/2022, pending disposal of main criminal appeal.

PRAYER in Crl.MP.(MD).No.2980/2025:- Petition filed under Section 430[1] BNSS, to suspend the execution of sentence by granting bail in CC.No.833/2022 dated 13.12.2023, on the file of the learned Principal Special Court for EC&NDPS Act Cases, Madurai, pending disposal of the appeal.

For Petitioner in Crl.MP.(MD).No.2980/2025	: Mr.S.Ragaventhre for M/s.Anandha Devi
For Petitioner in Crl.MP.(MD).16332/2025	: Mr.S.Mohammed Yunnis
For Petitioner in Crl.MP.(MD).No.4678/2025	: Mr.S.Arumugam
For Petitioner in Crl.MP.(MD).No.18345/2025	: Mr.S.Mukesh
For Respondent in all the Petitions	: Mr.B.Nambi Selvan, APP



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COMMON ORDER

The above Criminal Miscellaneous Petitions have been filed by the petitioners to suspend the sentences imposed on them by the learned Additional District Judge, Principal Special Court for EC & NDPS Act Cases, at Madurai, in CC.No.833/2022 dated 13.12.2023, and to enlarge them on bail pending the disposal of the appeal.

2.Crl.MP.(MD).No.2980/2025 is filed by A1 ; Crl.MP.(MD).No.16332/2025 is filed by A2 ; Crl.MP.(MD).No.4678/3035 is filed by A6 and Crl.MP.(MD).No.18345/2025 is filed by A7.

3.There are totally eight accused. The case of the prosecution in brief, is that on 06.03.2022, at 12.30 a.m., while A6 and A8 carried 471.600 Kgs of Ganja in a two wheeler bearing Regn.No.TN-65-W-5866, A1 to A5 and A7 guarded A6 and A8 for safe transportation of Ganja from Vellapatti beach to Srilanka in boat without any license or valid permission. Hence, a case in Crime No.8/2022 came to be registered for the offences u/s.8[c] read with 20[b][ii][C], 29[1], 25 of the NDPS Act. The case was taken up on file by the Trial Court in CC.No.833/2022.



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4.Before the Trial Court, on the side of the prosecution, 6 witnesses were examined as P.W.1 to P.W.6 and 58 documents were marked as Ex.P.1 to Ex.P.58 besides marking Mos.1 to 34. On the side of the accused, DW1 and DW2 were examined and Ex.D1 was marked.

5.The Trial Court, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 13.12.2023, convicting the petitioner as follows:

Rank of the Accused	Offence	Sentence
A1, A2, A6 and A7	8[c] r/w 20[b][ii][C], 25, 29[1] of NDPS Act	Each of the accused were sentenced to undergo 10 years R.I. and to pay a fine of Rs.1,00,000/- each, in default to undergo 6 months S.I

6.Challenging the above said conviction and sentence, the appellants have preferred the present Criminal Appeals along with the above Miscellaneous Petitions seeking suspension of sentence.



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7.The learned counsels appearing for the petitioners submitted that there was a lapse in the mandatory procedure provided under Section 52A[2][c] of the NDPS Act and therefore, the judgment of the Trial Court deserved to be set aside. The learned counsels appearing for A6 and A7 submitted that no contraband was seized from A6 and A7 and only cellphones were seized from them. The learned counsels appearing for A1 and A2 submitted that A1 and A2 were not present in the scene of the crime and that, they were attending a Kabbadi match at the relevant time and therefore, the entire case of the prosecution was concocted and they were falsely implicated in the crime. The learned counsel appearing for A2 submitted that even as per the case of the prosecution, what was recovered from the accused was a bag full of green leaves and it does not fall within the definition of "ganja" under Section 2[b] of the Act and hence, prayed for suspension of sentence of the petitioners.

8.The learned Additional Public Prosecutor appearing for the State submitted that the Trial Court appreciated the evidence in proper perspective and the issues raised by the petitioners in the present petitions, can be decided at the time of final disposal of the appeals and

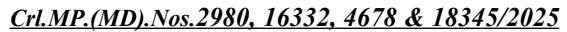


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hence, submitted that the petitions lack merit and deserved to be dismissed.

9.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

10.It is seen that the Trial Court has categorically found that the recovery of the contraband, was proved through the evidence of PW1 and PW2 and therefore, following the judgment of the Hon'ble Supreme Court in *Mangilal Vs. State of Madhya Pradesh [2023 19] SCC 364* and the judgment of this Court in Crl.A.(MD).No.492/2022 dated 03.10.2023, *[Mareeswaran Vs. State of Tamil Nadu]*, the Trial Court held that the recovery of the contraband was proved and Section 52A of the NDPS Act, was not applicable to the facts of the case. The Trial Court, therefore rejected the plea of non compliance of Section 52A of the Act. Whether the finding of the Trial Court on this aspect is valid or not, on the facts of the case, can be considered only at the time of the final disposal of the appeals and therefore, at this stage, this Court does not deem it necessary to enter into an in-depth enquiry on this aspect.



12. The learned counsel for A6 and A7 contended that only cellphones were seized from them and that no contraband was recovered from them and hence, they were falsely implicated. The Trial Court has found that A6 and A7 frequently called A1 and therefore they were also a part of the crime.



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13.This Court finds absolutely no apparent or palpable error in the judgment of the Trial Court and hence, the petitions seeking suspension of sentence, are **dismissed**.

14.This Court clarifies that the observations made herein are for the limited purpose of these petitions and they shall have no bearing at the final hearing of the case.

15.The learned counsels for the petitioners submitted that the criminal appeals are ripe for hearing since the records have also been received by this Court from the Trial Court.

16.In view of the said submission and considering that the appeals are of the year 2024, a date is fixed for the final hearing of the appeals.

17.Registry is directed to post all the aforesaid Criminal Appeals for **final hearing on 08.06.2026**.

04.02.2026

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TO

- 1.The Inspector of Police,
NIB-CID Police Station
Thoothukudi District.
- 2.The Principal Special Judge for EC & NDPS Act Cases, Madurai,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

AP

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