



CrIMP(MD)No.18134 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.18134 of 2025
in
CrIA(MD)No.578 of 2024**

1.S.Ramanan

2.G.Thavamani

...Petitioners/ A1 and A2

Vs

Union of India through
the Superintendent,
Narcotics Control Bureau,
Madurai Sub Zone,
Madurai.

... Respondent

PRAYER: Petition filed under Section 430 of BNSS, to suspend the sentence imposed on the petitioners by judgment of the Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur in CC.No.23 of 2020, dated 28.05.2024 and grant bail to the petitioners.

For Petitioners : Mr.T.A.Ebenezer

For Respondent : Mr.C.Arul Vadivel @ Sekar

Special Public Prosecutor for NCB



CrIMP(MD)No.18134 of 2025

ORDER

WEB COPY

The petitioners are A1 and A2 in CC.No.23 of 2020 on the file of the learned Additional District Judge, Special Court for Essential Commodities Act, Thanjavur. They were arrested on 13.02.2020 along with other accused with 661.5 kgs of ganja. They have been prosecuted for the offence under Section 8(c) r/w 20 (b)(ii)(C), 28 and 29 of the NDPS Act. By the judgment dated 28.05.2024 the petitioners were found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(C) r/w 28 and 29 of NDPS Act and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo three years rigorous imprisonment. As against the conviction and sentence imposed by the trial Court, these petitioners have filed an appeal before this Court in CrI.A(MD) No.578 of 2024 and the same has been admitted by this Court. The earlier application filed by the petitioners to suspend the sentence has been dismissed as withdrawn. This is the second application filed to suspend the sentence.



CrIMP(MD)No.18134 of 2025

2.The case of the prosecution is that A1 and A2, who were dealing with ganja have transported 661.5kgs of ganja from the State of Andhra Pradesh in a truck bearing registration No.TN 03 Z 1618 to Vedaranyam in order to deliver the same to A6. A3 to A5 have unloaded the substances from the vehicle on the instructions of A6. Since A1 to A5 were arrested along with contraband, they have been prosecuted.

3.The learned counsel appearing for the petitioners submits the mandatory provisions of Section 50, 52(A), 42 and 57 of the NDPS Act have not been followed. The seized contraband was not produced before the court at the time of remand of the petitioners, it was kept under illegal custody for more than 9 days. Moreover, the owner of the vehicle is not added as an accused in this case. He further submits that the case of the prosecution is that this contraband has been transported from Andhra Pradesh, in order to deliver the same to A6. However this A6 has not been secured by the respondent police till the end of the trial and even now and therefore, the prosecution was laid as against A1 to A5. According to the learned counsel, the petitioners are in jail from the date of their arrest for more than 6 years and 3 months. He further submits



CrIMP(MD)No.18134 of 2025

that this court by order dated 08.04.2026 suspended the sentence for A3 to A6.

5.The learned Special Public Prosecutor appearing for the respondent submits that the petitioners were arrested along with contraband of 661.5 kgs of ganja. This ganja was transported from Andhra Pradesh. Therefore, he has raised serious objections.

6.This court has considered the rival submissions made and perused the materials placed on record.

7.The petitioners have 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 already undergone by the petitioners and for the reason that the appeal could not be taken up immediately and this court has also suspended the sentence of accused Nos.3 to 5, this Court is inclined to allow this petition.



CrIMP(MD)No.18134 of 2025

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

(i) The petitioners are ordered to be enlarged on bail on executing a bond for Rs.2,00,000/- (Rupees Two Lakh) each with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, Special Court under Essential Commodities Act, Thanjavur and the sureties must be government servants.

(ii) The petitioners and the sureties shall file an affidavit before the respondent police that the petitioners will not misuse this liberty and will not indulge in any further offence and they will be available during the appeal proceedings.

(iii) The petitioners shall report before the Special Court under Essential Commodities Act, Thanjavur on the first working day of every month.

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



CrIMP(MD)No.18134 of 2025

(v)If the petitioners change the residence address, the same shall

be informed to the respondent police immediately.

08.04.2026

Index : Yes / No

DSK

To

- 1.The Superintendent,
Narcotics Control Bureau,
Madurai Sub Zone,Madurai.
- 2.The Additional District Judge /
Presiding Officer, Special Court
under Essential Commodities Act,
Thanjavur.
- 3.The Superintendent,
Central Prison, Trichy.

Copy to

The Special Public Prosecutor for NCB
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrIMP(MD)No.18134 of 2025

B.PUGALENDHI.J.,

DSK

**CrIMP(MD)No.18134 of 2025
in
CrIA(MD)No.578 of 2024**

08.04.2026