



Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.18760 of 2025

in

Crl.A(MD) No.1292 of 2025

Viyakulasamy

... Petitioner

Vs

State of Tamil Nadu,
The Inspector of Police,
NIB CID,
Dindigul,
Crime No.45 of 2015

... 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.23 of 2016, dated 25.09.2025 by the II Additional Special Court for NDPS Act cases, Madurai and enlarge him on bail, pending disposal of the criminal Appeal.

For Petitioner : Mr.J.Selvam
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

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ORDER

The petitioner, who is the sole accused in CC No.23 of 2016, on the file of the II Additional Special Court for NDPS Act cases, Madurai was tried that he was in possession of 22 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.23 of 2016, dated 25.09.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1292 of 2025 and the same was admitted by this Court, by order, dated 28.11.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him.



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Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

2.The learned counsel appearing for the petitioner has raised the following grounds for grant of suspension of sentence:-

- i. There is a delay of 15 days in producing the seized contraband before the trial Court and the delay has not been properly explained by the prosecution.
- ii. The respondent police has failed to comply with the mandatory provisions under Sections 42, 52A and 57 of the NDPS Act.
- iii. There are several contradictions in the prosecution evidence as well in the documents, however, the trial Court has failed to appreciate the same in a proper and perspective manner.
- iv. No previous case is pending as against this petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has opposed for grant of suspension of sentence to this petitioner that the petitioner is the sole accused and he was in



Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

possession of 22 kg of ganja. He further submits that no previous case is pending as against this petitioner. However, he has evaded the trial and he was arrested on 08.03.2024 by executing a Non-Bailable Warrant and therefore, if he is released on bail, there may be chances for absconding and he may not be available for the appeal.

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

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, considering the period of incarceration and that no previous case is pending as against this petitioner, 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



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Crl.A(MD) No.1292 of 2025

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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.2,00,000/- (Rupees Two Lakhs) with two sureties each for a like sum to the satisfaction of the learned Judge, II Additional Special Court for NDPS Act cases, Madurai and the sureties must be Government servants.
- 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



Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

WEB COPY

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. 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.

07.04.2026

Index : Yes/No
Internet : Yes/No
vrn



Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

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To

- 1.The II Additional Special Court for NDPS Act cases, Madurai
- 2.The Inspector of Police,
NIB CID,
Dindigul.
- 3.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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Crl.MP(MD) No.18760 of 2025 in
Crl.A(MD) No.1292 of 2025

B.PUGALENDHI, J.,

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Order made in
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in
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