



CrIMP(MD)Nos.1145 and 3145 of 20256

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)Nos.1145 and 3145 of 2026
in
CrIA(MD)Nos.87 and 209 of 2026**

Srinivasa Rethinam

**...Petitioner in
CrIMP(MD)No.1145 of 2026**

Srinivasan

**...Petitioner in
CrIMP(MD)No.3145 of 2026**

Vs

**The State of Tamil Nadu,
represented by
the Inspector of Police,
PEW-Trichy City Police Station,
Trichy.
[Crime No.694 of 2023]**

... Respondent in both MPs

PRAYER in CrI MP(MD)No.3145 of 2026: Petition filed under Section 430 (1) of BNSS, to suspend the sentence imposed upon the petitioner by the Additional District and Sessions Judge / the Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai. in CC.No.3 of 2024, dated 26.06.2025 pending the appeals.

PRAYER in CrI MP(MD)No.1145 of 2026: Petition filed under Section 430 (1) of BNSS, to suspend the sentence and grant bail to the



CrlMP(MD)Nos.1145 and 3145 of 20256

petitioner / appellant convicted by judgment dated 26.06.2025 in CC.No. 3 of 2024, passed by the Additional District and Sessions Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai pending the appeal.

For Petitioner : Mr.T.Lenin Kumar
in CrlMP(MD)No.3145 of 2026
:Mr.J.Selvam
in CrlMP(MD)No.1145 of 2026
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor
in both MPs

ORDER

The petitioners are accused Nos.1 and 2 in CC.No.26 of 2016 on the file of the / Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai. By judgment dated 26.06.2025 the petitioners were found guilty, convicted and sentenced as follows:

	Section	Punishment	Fine (in Rs)	default class
A1 & A2	8(c) r/w 20(b)(ii)(c) NDPS Act	10 years rigorous imprisonment	Rs.1,20,000	six months simple imprisonment
A1	25 NDPS Act	10 years rigorous imprisonment	Rs.1,20,000	six months simple imprisonment



CrIMP(MD)Nos.1145 and 3145 of 20256

As against the conviction and sentence imposed by the trial Court, the petitioners have filed an appeal before this Court in CrI.A(MD) Nos.87 and 209 of 2026 and the same have been admitted by this Court.

2.The case of the prosecution is that the petitioners were found in possession of 22 kgs of ganja on 14.09.2023. Hence the case.

3.The respective learned counsel appearing for the petitioner submits that the contraband was recovered on 14.09.2023 and the same was produced before the court concerned on 19.10.2023 after a period of 35 days of delay. The mandatory provisions under the NDPS Act have not been complied with. The petitioners are in jail from the date of conviction.

4.The learned Additional Public Prosecutor submits that the delay in production of the contraband is not a material defect and the contraband was in tact and therefore, the delay is immaterial. The learned Additional Public Prosecutor further submits that A1 has involved in an immoral trafficking offence, wherein he was acquitted and A2 is not having any other case.



CrIMP(MD)Nos.1145 and 3145 of 20256

WEB COPY

5.This court has considered the rival submissions made.

6.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 incarceration and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow these petitions.

7.Accordingly these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended pending disposal of the criminal appeals on the following conditions:

(i) The petitioners are ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai.

(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 the petitioners will be available for



CrIMP(MD)Nos.1145 and 3145 of 20256

the trial and also during this appeal proceedings.

WEB COPY

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

(iv) If the petitioners change their residence, the same shall be informed to the respondent police immediately with correct address.

(v) 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.

16.04.2026

Index : Yes / No

DSK

To

1. The Inspector of Police,
PEW-Trichy City Police Station,
Trichy.
2. The Presiding Officer,
Special Court for EC and NDPS Act Cases,
Pudukottai.
3. The Superintendent,
Central Prison, Trichy.

Copy to

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



WEB COPY



CrIMP(MD)Nos.1145 and 3145 of 20256

B.PUGALENDHI.J.,

DSK

**CrIMP(MD)Nos.1145 and 3145 of 2026
in
CrIA(MD)Nos.87 and 209 of 2026**

16.04.2026