

Fasaludheen Vs State Of Kerala And Anr

Court: High Court Of Kerala

Date of Decision: Nov. 19, 2020

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439
Narcotic Drugs And Psychotropic Substances Act, 1985 " Section 20(b)(ii)B, 37

Hon'ble Judges: Ashok Menon, J

Bench: Single Bench

Advocate: K. Rakesh, Santhosh Peter

Final Decision: Allowed

Judgement

1. Application for regular bail under Section 439 of Cr.P.C. The applicant is the sole accused in Crime No.20/2020 of Manjeri Excise Range,

Malappuram for having allegedly committed offences punishable under Sections 20(b) (ii) B of the Narcotic Drugs and Psychotropic Substances Act.

2. The prosecution case, in brief, is thus:- On 23.10.2020 at about 6 p.m., the applicant was intercepted by the Excise officials while he was driving his

scooter bearing registration No. KL 71/ C-

517. On inspection, 4.600 kgs of ganja were recovered from him. He was arrested and remanded to judicial custody. The applicant continues in

custody.

3. The applicant states that he is innocent and the allegations are not true. It is also stated that he has no other criminal antecedents. Hence, he may

be granted bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor admits that the applicant has no other criminal antecedents.

6. The quantity involved is intermediary and hence the embargo under Section 37 of NDPS is not attracted.

In the result, the Bail Application is allowed and the applicant is directed to be released on bail on the execution of a bond for Rs.1,00,000/-(Rupees

one lakh only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall appear before the investigating officer on all Saturdays between 9 a.m. and 12 noon for a period of two months or till the filing of the final

report, whichever is earlier.

(ii) He shall not tamper with evidence, intimidate or influence the witnesses.

(iii) He shall not get involved in similar offences during the currency of the bail.

In case of violation of any bail condition, the prosecution is at liberty to apply for cancellation of the bail before the jurisdictional court.