

Arun Raj Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: June 18, 2021

Acts Referred: Code of Criminal Procedure, 1973 " Section 439
 Narcotic Drugs and Psychotropic Substances Act, 1985 " Section 20(b)(ii), 22(b)

Hon'ble Judges: Ashok Menon, J

Bench: Single Bench

Advocate: Abdul Jaleel.A, V.Sreeja

Final Decision: Allowed

Judgement

Ashok Menon, J

1. This is an application for regular bail under Section 439 of the Cr.P.C.

2. The applicants are accused 1 and 3 in Crime No.357/2021 of Edathua Police Station for having allegedly committed the offences punishable under

Sections 20(b)(ii)A and 22(b) of the Narcotic Drugs and Psychotropic Substances Act (for short "NDPS Act").

3. The prosecution case, in brief, is that on 06.05.2021 the applicants were allegedly travelling in a car bearing Reg.No.KL-07-M-8784 and by about

11.55 AM, they were intercepted by the police and on inspection, the 1st accused was found to be in possession of 1.6 grams of Amphetamine and

the 3rd accused was found to be in possession of 0.750 grams of Amphetamine. 425 grams of dried Ganja was also seized from the possession of the

5th accused. They were all arrested and remanded to judicial custody.

4. The applicants state that they are innocent and the allegations are not true and that they have been falsely implicated, and therefore, they seek

regular bail, considering the fact that they were only in possession of a small quantity of drugs, which entitles them to get bail.

5. Heard the learned Counsel for the applicants and the learned Public Prosecutor.

6. Even though the prosecution is that altogether 6.30 grams of Amphetamine was seized from all the accused together, Section 29 of the NDPS Act

is not incorporated and these psychotropic substances were seized from the personal possession of each of the accused. Under the circumstances,

there is serious doubt whether the quantity seized would amount to intermediary quantity. In case they are only in possession of a small quantity, they

are entitled to bail. Considering the materials available at present, I find that the applicants are entitled to bail.

As a result, the bail application is allowed and the applicants are directed to be released on bail on the execution of a bond for Rs.1,00,000/- (Rupees

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

i) They shall appear before the investigating officer on all Saturdays between 9.00 AM and 12.00 noon for a period of two months or till the final report is filed,

whichever is earlier;

ii) They shall not attempt to influence or intimidate the witnesses; and

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

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional Court.