

(2022) 11 KL CK 0251

High Court Of Kerala

Case No: Bail Application No. 8888 Of 2022

Jomon

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Nov. 22, 2022

Acts Referred:

- Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 22(b)

Hon'ble Judges: Viju Abraham, J

Bench: Single Bench

Advocate: M.R.Sasith, Rajitha V.K, P.Santhoshkumar, M.R.Sarin, R.K.Chirutha, Neelanjana Nair, Bhavana K.K, Nima Jacob

Final Decision: Dismissed

Judgement

Viju Abraham, J

1. This is an application for regular bail.
2. Petitioner is the sole accused in Crime No.52 of 2022 of Neyyattinkara Excise Range, Thiruvananthapuram registered alleging commission of offence punishable under Section 22(b) of NDPS Act.
3. The prosecution allegation against the petitioner is that, on 10.10.2022 at 10.50 am at Kanyakumari-Thiruvananthapuram National Highway, the petitioner was found in possession of 2.75 grams of MDMA inside a sleeper class bus bearing Reg.No.AR-01-J4161, in contravention of the provision of NDPS Act, and the accused committed the above said offence.
4. Petitioner submits that he has been falsely implicated in the above said crime, and he is in custody from 10.10.2022 onwards, and further submitted that he has no other criminal antecedents.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. Learned Public Prosecutor opposed the application for bail mainly contending that 2.75 grams of MDMA was seized from the possession of the petitioner, while he was travelling in a sleeper class bus, but submitted that the petitioner has no other criminal antecedents.

7. Considering the fact that the petitioner is in custody from 10.10.2022 onwards, and he has no other criminal antecedents, and considering the age of the petitioner, I am inclined to grant bail to the petitioner and it is ordered that the petitioner shall be released on bail on the following stringent conditions:

- (i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;
- (ii) Petitioner shall appear before the investigating officer in Crime No.52 of 2022 of Neyyattinkara Excise Range on every Saturday at 11.00 am, for a period of 6 months;
- (iii) The petitioner shall not attempt to interfere with the investigation or to influence any witness in Crime No. 52 of 2022 of Neyyattinkara Excise Range;
- (iv) The petitioner shall not leave the State of Kerala without the permission of the jurisdictional Court.
- (v) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No. 52 of 2022 of Neyyattinkara Excise Range may file an application before the jurisdictional court, for cancellation of bail.