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## Muhammed Shahin S Vs State Of Kerala

### Bail Application No. 8490 Of 2022

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**Court:** High Court Of Kerala

**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:** Nireesh Mathew, Nima Jacob

**Final Decision:** Dismissed

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### Judgement

Viju Abraham, J

1. This is an application for regular bail.

2. Petitioner is the sole accused in C.R. No.18 of 2022 of Kazhakootam Excise Range, Thiruvananthapuram registered alleging commission of

offence punishable under Section 22(b) of NDPS Act.

3. The prosecution allegation is that, on 16.10.2022, the petitioner was intercepted by the Excise Officials and he was found in possession of 2.112

grams of MDMA, and thus 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 16.10.2022 onwards, and 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 2.112 grams of MDMA was seized from the possession of the

petitioner, but submitted that the petitioner has no other criminal antecedents.

7. Considering the fact that the petitioner is in custody from 16.10.2022 onwards, and he has no other criminal antecedents, 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 C.R No.18 of 2022 of Kazhakoottam 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 C.R No. 18 of 2022 of Kazhakoottam 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 C.R No. 18 of 2022 of Kazhakoottam Excise Range may file an application

before the jurisdictional court, for cancellation of bail.