
(2022) 12 KL CK 0158

High Court Of Kerala

Case No: Bail Application No. 9541 Of 2022

Arun

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Dec. 14, 2022

Acts Referred:

- Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 20(b)

Hon'ble Judges: Viju Abraham, J

Bench: Single Bench

Advocate: V.A.Johnson, M.C.Ashi

Final Decision: Dismissed

Judgement

Viju Abraham, J

1. This is an application for regular bail.

2. Petitioner is the sole accused in Crime No.59 of 2022 of Excise Enforcement and Anti Narcotic Special Squad, Thrissur registered alleging

commission of offence punishable under Section 20(b) of NDPS Act.

3. The prosecution allegation is that, on 21.10.2022 at 10.15 am, the excise party detected that the accused possessed and transported 3.2 grams of

MDMA at Valarkkavu, Anchery, and thereby committed the aforesaid offence.

4. Petitioner submits that he is in custody from 21.10.2022 and that he has been falsely implicated in the above said crime and 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 the petitioner is a local peddler of drug and the list of the

customers with whom the petitioner was dealing is also obtained, and the investigation is being conducted in this regard also. The learned Public

Prosecutor further submitted that the petitioner has no other criminal antecedents.

7. Considering the fact that the petitioner is in custody from 21.10.2022 onwards, and he has no other criminal antecedents, I am inclined to grant bail

to the petitioner, but taking note of the serious nature of the allegation, 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.59 of 2022 of Excise Enforcement and anti Narcotic Special Squad, Thrissur 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. No.59 of 2022 of Excise Enforcement and anti

Narcotic Special Squad, Thrissur;

(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. 59 of 2022 of Excise Enforcement and Anti Narcotic Special

Squad, Thrissur may file an application before the jurisdictional court, for cancellation of bail.