

Dilbin Vs State Of Kerala

Bail Application No. 7730 Of 2023

Court: High Court Of Kerala

Date of Decision: Sept. 11, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Narcotic Drugs and Psychotropic Substances Act, 1985 " Section 22(b), 29

Citation: (2023) 09 KL CK 0069

Hon'ble Judges: Ziyad Rahman A.A. J

Bench: Single Bench

Advocate: Shabu Sreedharan, Sanal P. Raj

Final Decision: Dismissed

Judgement

Ziyad Rahman A.A. J

1. This bail application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the 1st accused in crime No.1317/2023 of Ernakulam Town North Police Station. The crime was registered for the offences

punishable under Sections 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act.

3. The prosecution case is that, on 17.06.2023, the petitioner along with accused Nos.2 and 3 were found in room No.302 of CJ Grand Lodge at

Kaloor-Kadavanthra road, with 1.33 grams of MDMA. The petitioner and other accused were arrested on the same day and since then he has been

under judicial detention. Even though, the petitioner approached this Court on an earlier occasion for regular bail, the same was dismissed as per

Annexure-5. This application for regular bail is submitted in such circumstances.

4. Heard Sri. Shabu Sreedharan, the learned counsel appearing for the petitioner and Sri. Sanal P Raj, the learned Public Prosecutor for the State.

5. I have carefully gone through the records. The earlier application submitted by the petitioner was dismissed by this Court taking note of the criminal

antecedents of the petitioner, as it was pointed out that the petitioner was involved in six other criminal cases in which two cases were for the

offences under the provisions of NDPS Act. The learned counsel for the petitioner points out that, all the other accused were already released on bail.

6. After considering all relevant aspects, I am of the view that, even though the petitioner is having criminal antecedents, taking note of the period of

detention the petitioner had already undergone and also the fact that the quantity recovered was not huge and comes under the category of

intermediate quantity, I deem it appropriate to grant bail to the petitioner.

Accordingly, this bail application is allowed and the petitioner is directed to be released on bail subject to the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the

satisfaction of the jurisdictional Court.

(ii) The petitioner shall fully cooperate with the investigation.

(iii) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report.

(iv) The petitioner shall also appear before the Investigating Officer as and when required.

(v) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and

file the same before the said court.

(vi) The petitioner shall not commit any offence of like nature while on bail.

(vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper

with the evidence or influence any witnesses or other persons related to the investigation.

(viii) The petitioner shall not leave India without the permission of the trial Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if

any, and pass appropriate orders in accordance with law.