

Nikhil Suresh Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Oct. 4, 2023

Acts Referred: Narcotic Drugs and Psychotropic Substances Act, 1985 â€” Section 22(c)

Hon'ble Judges: Mohammed Nias C.P., J

Bench: Single Bench

Advocate: N.Sunil Joseph, Nima Jacob

Final Decision: Dismissed

Judgement

Mohammed Nias C.P, J

1. The petitioner is the sole accused in Crime No. 895/2023 of Kottiyam Police Station for having committed offences punishable under Sections 22(c)

of the Narcotic Drugs and Psychotropic Substances Act.

2. The allegation against the petitioner is that, on 10.06.2023 at about 9.30 a.m., the accused, who alighted from a bus bearing Reg.No.KA-01-AM-

7666 at Kottiyam Junction, was found in possession of 26.980 grams of MDMA, for the purpose of sale and thereby committed the aforesaid offence.

3. The learned counsel appearing for the petitioner would say that the petitioner is totally innocent and falsely implicated with ulterior motives. At any

rate, he points out that the accused is in custody from 10.06.2023, and continued custody of the petitioner is unnecessary.

4. The learned public prosecutor opposed the petition. The learned Public Prosecutor makes available the FSL report for perusal, which shows that the

contraband seized is Methamphetamine and not MDMA.

5. After considering the rival submissions and taking into account the fact that only an intermediate quantity of contraband is involved based on the

Report that showed the seized contraband as Methamphetamine, the fact that the petitioner has been in custody from 10.06.2023 and also since there

is no apprehension raised by the prosecution that if released on bail the petitioner is likely to abscond, I hold that bail can be granted to the petitioner. It

is also to be noted that no other criminal antecedents have been reported against the petitioner.

Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the

satisfaction of the jurisdictional Court;

(ii) The petitioner shall report before the Investigating Officer every Saturday between 9 a.m. and 10 a.m. till the final report is laid;

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;

(iv) The petitioner shall not be involved in any other crime while on bail.

(v) The petitioner shall surrender his passport, if any, within seven days from the date of his release before the Court concerned, and if the release of the passport is

required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the court having jurisdiction. If he has no passport,

he shall file an affidavit to that effect before the court concerned on the date of execution of the bond or within three days thereafter.

(vi) The petitioner shall furnish his present address along with the mobile phone number to the court concerned as well as to the Investigating Officer.

(vii) If any of the conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law;