
(2023) 11 KL CK 0084

High Court Of Kerala

Case No: Bail Application No. 8799 Of 2023

Shamnad

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Nov. 9, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Narcotic Drugs and Psychotropic Substances Act, 1985 " Section 20(b), 22(b)(ii)A, 29

Citation: (2023) 11 KL CK 0084

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

Bench: Single Bench

Advocate: M.R.Sasith, T.V Neema

Final Decision: Dismissed

Judgement

Mohammed Nias C.P., J.

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

2. The petitioner is the 2nd accused in Crime No. 1392 of 2023 of Chadayamangalam Police Station, Kollam Rural, for having committed offences

punishable under Sections 20(b), 22(b)(ii) A and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. The allegation against the petitioner is that on 2.10.2023 at about 18:00 hours, the accused were found in illegal possession of 0.75 gm and 2.9 gm

MDMA, respectively, and 2.5 gm ganja for the purpose of selling it with an intention to make illegal gain and thereby, the petitioner committed the

alleged offences.

4. The learned counsel appearing for the petitioner submitted 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 02.10.2023, and continued custody of the petitioner is unnecessary.

5. The learned public prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for the petitioner and learned Public Prosecutor and considering the nature of the

allegations against the petitioner, the quantity involved, and the fact that he has been in custody from 02.10.2023 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.

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

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