

Shajahan Vs. State of Kerala

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Court : Kerala

Decided On : Dec-31-2012

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Shajahan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 Bail Appl..No. 8925 of 2012 () ----- (CRIME NO.3/2012 (NDPS) OF ALAPPUZHA EXCISE RANGE, ALLEPPEY DIST.) ----- PETITIONER:: ----- SHAJAHAN, AGED 2 YEARS S/O. HABEEB, THATTEVATHEZHATHU VELI, PONNADU P.O. MANNANCHERRY VILLAGE, ALAPPUZHA. BY ADV. SRI.ABDUL JALEEL.A RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY HOME SECRETARY THROUGH THE EXCISE INSPECTOR ALAPPUZHA EXCISE RANGE, BY THE PUBLIC PROSECUTOR, ALAPPUZHA. BY PUBLIC PROSECUTORSMT.LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSIN ON 31-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: VK P. BHAVADASAN, J.

----- B.A. No. 8925 of 2012 -----
- Dated this the 31st day of December, 2012. ORDER Petitioner is the first

accused in Crime No. 3 of 2012 of Alappuzha Excise Range. Allegation against him is that he was found in possession of 180 ampules of Buprenorphine in violation of the provisions of N.D.P.S. Act and he was booked for the offence under Sections 8, 22(c) and 29 of the said Act.

2. The petitioner would point out that the seizure was made from a shared household and he has no connection with the contraband article. At any rate, according to him, he has been in custody from 5.7.2012 and his continued custody is unnecessary.

3. Learned Public Prosecutor opposed the application and pointed out that the quantity of the contraband seized is much more than the commercial quantity. The petitioner has not offered any explanation for B.A.8925/2012. 2 the possession of the contraband article and the investigation is still going on.

4. The claims of the petitioner that he is innocent and has been falsely implicated cannot be accepted as per the materials available in the CD. Even assuming that it was from a shared household that the contraband articles were seized, the petitioner cannot disown his liability. The veracity of the allegations does not arise for consideration now. The claim of the petitioner that he is innocent cannot be accepted as of now. Further, the investigation is still going on.

5. Considering the quantity of the contraband article seized, the nature of the article seized and also that the investigation is still going, it is felt that it is not appropriate to release the petitioner now on bail. This application is accordingly dismissed. P. BHAVADASAN, JUDGE sb.

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