

Ubaid Vs. Excise Range Officer, Koyilandy Excise Range

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Court : Kerala

Decided On : Mar-31-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ubaid

Respondent : Excise Range Officer, Koyilandy Excise Range

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 31ST DAY OF MARCH 2014 10TH CHAITHRA, 1936 BAIL APPL. NO. 1302 OF 2014() ----- CRIME NO. 6/2013 OF KOYILANDY EXCISE RANGE OFFICE, KOZHIKODE ----- PETITIONER/ACCUSED : ----- UBAID, AGED 42 YEARS, S/O. HASSAN HAJI, REHMATH MANZIL (EDAVANAKANDY) KOTHAMANGALAM DESOM, PANTHALAYINI VILLAGE KOYILANDY TALUK, KOZHIKODE. BY ADV. SRI.T.G.RAJENDRAN RESPONDENTS/COMPLAINANT/STATE: ----- 1. EXCISE RANGE OFFICER, KOYILANDY EXCISE RANGE-673305.

2. STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM-682031. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: NS THOMAS P. JOSEPH, J.

----- Dated this the 31st day of March 2014

ORDER

Petitioner is accused in Crime No.6 of 2013 of the Excise Range office, Koyilandy for the offence punishable under Secs.20(b)(ii)(c) of the NDPS Act, 1985 for alleged possession and transportation of 4 Kgs of Ganja in a motor cycle on 03.06.2013, is in custody from 06.06.2013 and seeks bail, his earlier application having been dismissed.

2. I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Learned Public Prosecutor has submitted that investigation of the case is not completed but it is revealed that the petitioner is not reported to be involved in any other case from the Koyilandy Excise Range office.

4. Having regard to the relevant circumstances, I am inclined to think that further custody of the petitioner is not required for investigation. At the same time, grant of bail must be subject to stringent conditions Bail Appl. No.1302 of 2014 2 to prevent recurrence of such incidents in future and to ensure that investigation is not affected. The application is allowed as under. I. Petitioner is granted bail in Crime No.6 of 2013 of the Excise Range office, Koyilandy and shall be released (if not required to be detained otherwise) on his executing bond for Rs.35,000/- (Rupees Thirty five thousand only) with three sureties for the like sum each to the satisfaction of the learned Special Judge (NDPS Act cases), Vadakara and subject to the following conditions: (a) One of the sureties shall be the father/ mother/ brother of the petitioner whether or not he/she has landed properties. (b) Petitioner shall surrender his passport before the learned Special Judge while executing the bail bond and in case he has none, file affidavit to that effect. (c) Petitioner shall not until otherwise ordered by and excepted with the permission of the learned Special Judge go beyond the local Bail Appl. No.1302 of 2014 3 limits of Kozhikode district. (d) Petitioner shall report to the investigating officer on every Monday and Saturday between 03.00 pm and 05.00 pm until filing of the final

report. (e) Petitioner shall report to the officer investigating Crime No.6 of 2013 of the Excise Range office, Koyilandy as and when required for interrogation. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. (h) In case any of condition nos.(c) to (g) is violated, it is open to the investigating officer to move the learned Special Judge for cancellation of the bail granted hereby as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. II. In case the petitioner surrenders his passport and the passport is required to be Bail Appl. No.1302 of 2014 4 returned for any purpose, it is open to the petitioner to move application before the learned Special Judge for the same. III. In case any such application is preferred, learned Special Judge shall consider the application having regard to all relevant circumstances including stage of investigation/trial, time required for completion of the same, necessity for release of the passport and pass appropriate orders if necessary imposing additional conditions and requiring additional security. III. In case learned Special Judge decides to release the passport for a specific period it is open to the learned Special Judge to modify such of the conditions above mentioned to enable the petitioner go abroad during the time permitted. Sd/- THOMAS P. JOSEPH JUDGE NS

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