

**Akash @ Sumith vs State of Kerala**

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**SooperKanoon Citation : [sooperkanoon.com/1279583](https://sooperkanoon.com/1279583)**

**Court : Kerala**

**Decided On : Mar-28-2025**

**Judge : Honourable Mr. Justice P.V.Kunhikrishnan**

**Appeal No. : Bail Appl./4225/2025**

**Appellant : Akash @ Sumith**

**Respondent : State of Kerala**

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947  
BAIL APPL. NO. 4225 OF 2025 CRIME NO.33/2025 OF VALLIKUNNAM  
POLICE STATION, ALAPPUZHA AGAINST THE ORDER DATED  
20.03.2025 IN CRMC NO.285 OF 2025 OF DISTRICT & SESSIONS  
COURT, ALAPPUZHA PETITIONER/ACCUSED NO.1: AKASH @  
SUMITH AGED 29 YEARS S/O SUNDARESAN, AKASH BHAVANAM,  
VALLIKKUNNAM VILLAGE ALAPPUZHA DISTRICT, PIN - 690501 BY  
ADVS. FRANCIS ASSISI MANJU LUCKOSE AMRUTHA P S  
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED  
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

OTHER PRESENT: SR PP- HRITHWIK C S THIS BAIL APPLICATION  
HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 4225  
OF 2025 2 P.V.KUNHIKRISHNAN, J -----  
B.A.No.4225 of 2025 ----- Dated this the 28th day of  
March, 2025

## **ORDER**

Petitioner is an accused in Crime No.33 of 2025 of Vallikunnam Police Station, Alappuzha. The above case is registered against the petitioner alleging offences punishable under Sections 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ( for short NDPS Act).

2. The allegation against the petitioner is that, petitioner was found in possession of 16 grams of MDMA, which is a commercial quantity.

3. Heard the counsel for the petitioner and the Public Prosecutor.

4. The short point raised by the counsel for the

petitioner is that, if the laboratory examination is conducted immediately, it can be seen that the contraband seized, even, if admitted would only Methamphetamine and therefore, it will be intermediate quantity and hence Section 37 of the NDPS Act is not attracted. This point is raised before the BAIL APPL. NO. 4225 OF 2025  
3

trial court and a petition is also filed. A perusal of paragraph 7 of Annexure I order would show that the laboratory informed the court that the analysis can be completed at least within three weeks time from the date of that order. If that is the case, the petitioner can approach the trial court with appropriate application after three weeks from the date of Annexure I order. I make it clear that, even on that day the report is not obtained, the learned Judge will take necessary steps to get it in the light of Rule 14 of Narcotic Drugs & Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022.

With the above observations, this Bail Application is disposed of. Sd/-  
P.V.KUNHIKRISHNAN JUDGE MSA BAIL APPL. NO. 4225 OF 2025 4  
APPENDIX OF BAIL APPL. 4225/2025 PETITIONER ANNEXURES Annexure -I A  
TRUE COPY OF COMMON ORDER IN CRL.MC NO. 285/2025 AND CRL.M.NO.  
291/2025 DATED 20.03.2025 OF HONBLE SESSIONS JUDGE COURT AT  
ALAPPUZHA

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