

Don Maxcy, vs State of Kerala,

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Court : Kerala Orders

Decided On : Mar-01-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./805/2024

Appellant : Don Maxcy,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945 BAIL APPL. NO. 805 OF 2024 CRIME NO.2/2024 OF AGALI EXCISE RANGE OFFICE, PALAKKAD PETITIONER/S: DON MAXCY, AGED 28 YEARS SON OF MAXCY JOSE, NANTHIKATTU HOUSE INJIYANI P.O., EDAKUNNAM VILLAGE, KANJIRAPPALLY TALUK, PIN - 686512 BY ADVS. K.R.SUNIL R.S.ANANDAN K.S.GRACY SUNDAR RESPONDENT/S: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - OTHER PRESENT: SR PP SMT NEEMA T V THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

O R D E R

The application is filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, Code), for an order of pre-arrest bail.

2. The petitioner apprehends arrest by the Agali Excise Range Office, Palakkad, in crime No.2/2024 for allegedly committing the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard; Sri.K.R.Sunil, the learned counsel appearing for the petitioner and Smt.Neema T.V., the learned Public Prosecutor appearing for the respondent.

4. The learned Public Prosecutor, on instructions,

submitted that, as on today the petitioner has not been made as an accused in the above crime, as alleged in the bail application. The said submission is recorded. In the light of the above submission, the bail application is closed. It is made clear that, if the presence of the petitioner is required by Agali Excise Range Office, Palakkad with regard to the allegations made in the bail application, he shall be issued with a notice under Section 41A of the Code, if the offence alleged against him is punishable for less than seven years. Sd/- C.S.DIAS JUDGE shg

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