

Shine, vs State of Kerala,

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Court : Kerala

Decided On : May-22-2024

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./1617/2024

Appellant : SHINE,

Respondent : State of Kerala,

Judgement :

B.A.1617/2024 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
WEDNESDAY, THE 22ND DAY OF MAY 2024 / 1ST JYAISHTA, 1946
BAIL APPL. NO. 1617 OF 2024 CRIME NO.502/2023 OF
CHADAYAMANAGALAM POLICE STATION, KOLLAM AGAINST THE
ORDER/JUDGMENT DATED 28.11.2023 IN CRMC NO.7812 OF 2023
OF DISTRICT COURT & SESSIONS COURT,KOLLAM
PETITIONER/ACCUSED NO.2: SHINE, AGED 36 YEARS S/O.
SELVAN,KIZHAKKUMKARA PUTHEN VEEDU,
MANJAVILAKAM,NEYATTINAKRA,KOLLAYIL,THIRUVANANTHAPURAM,

PIN - 695123

BY ADV R.GOPAN RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM, PIN - 682031 OTHER PRESENT: SMT.NIMA JACOB, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.1617/2024 2

MOHAMMED NIAS C.P., J.

..... B.A. No.1617 of 2024
..... Dated this the 22nd day of May,
2024

ORDER

This is the second bail application filed by the petitioner seeking regular bail.

2. The prosecution case is that on 03.04.2023 at 1.15 pm, acting of a tip-off

regarding illegal transportation of ganja, when the Sub Inspector of Police, Chadayamangalam and his party intercepted the vehicle bearing Reg.No.KI-01/CK- 2624 near Nilamel Sastha Temple on the M.C. Road, accused were found transporting 53.860 kilograms of ganja.

3. The learned counsel appearing for the petitioner would say that the

petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 03.04.2023, and continued custody of the petitioner is unnecessary.

4. The learned Public Prosecutor vehemently opposed the petition.

The earlier application was rejected by order dated 20.11.2023 taking note of the quantity involved, that the accused was found transporting the same and also the rigour of Section 37 of the NDPS Act. I do not find any change in circumstances.

Accordingly, the bail application is dismissed. Sd/- MOHAMMED NIAS C.P. JUDGE okb/ //True copy// P.S. to Judge B.A.1617/2024 3 APPENDIX OF BAIL APPL. 1617/2024 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FINAL REPORT DATED 24.8.2023 IN CRIME NO. 502/2023 OF THE CHADAYAMANGALAM POLICE STATION Annexure A2 TRUE COPY OF THE ORDER DATED 25.8.2023 IN CRL. M.C. NO. 1826/2023 OF THE SESSIONS COURT, KOLLAM Annexure A3 TRUE COPY OF THE ORDER DATED 28.11.2023 IN B.A. NO. 7812/2023 OF THIS HONOURABLE COURT

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