

Sudheesh, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-04-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./10705/2023

Appellant : Sudheesh,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 4TH DAY OF JANUARY 2024 / 14TH POUSHA, 1945
BAIL APPL. NO. 10705 OF 2023 CRIME NO.658/2021 OF KORATY
POLICE STATION, THRISSUR PETITIONER/ACCUSED NO.2:
SUDHEESH, AGED 42 YEARS S/O. BALAN, VALIYAVEETIL HOUSE,
MANNUTHY DESOM, THRISSUR DISTRICT, PIN - 680651 BY ADV
NIREESH MATHEW RESPONDENT/COMPLAINANT: STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, ERNAKULAM, KOCHI, PIN - 682031 BY SR.PUBLIC
PROSECUTOR SRI.K.DENNY DEVASSY THIS BAIL APPLICATION
HAVING BEEN FINALLY HEARD ON 14.12.2023, THE COURT ON

4.1.2024 DELIVERED THE FOLLOWING: BAIL APPL. NO. 10705 OF 2023 2

ORDER

Dated this the 4th day of January, 2024 This is the third application for regular bail, filed by the petitioner, who is the 2nd accused in Crime No.658/2021 of Koraty Police Station, Thrissur, where accused Nos.1 to 5 alleged to have committed offences punishable under Sections 22(b)(ii)(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS hereinafter).

2. In this case, the prosecution case is that, on 24.7.2021,

the police party conducted search in a Lorry, bearing Registration No.KL 63 3428 and a Car, bearing Registration No.KL 49 K 6022, on the basis of reliable information as to transport of 209.700 kgs of Ganja packed in sacks and seized the same and the accused were nabbed red-handedly.

3. The learned counsel for the petitioner pressed for bail on highlighting the petitioners custody from the date of arrest itself.

4. Whereas, the learned Public Prosecutor zealously opposed bail to the petitioner, highlighting the fact that he has involvement BAIL APPL. NO. 10705 OF 2023 3 in 7 crimes, as detailed hereunder:

Crime No. Police Station Offence 1) 3634/2015 TRAFFIC PS 279 IPC & 185 MV Act 2) 966/2017 MANNUTHY PS 279, 338 IPC 3) 401/2002 THRISSUR EAST 323,324 & 34 IPC 4) 25/2002 PAZHAYANNUR PS 143,147,148,341,323,302,149 5) 386/2019 CHERUTHURUTHI 279,338 IPC 6) 121/2009 THRISSUR EAST 341,324 IPC 7) 565/2008 VIYYUR 341,323,324,34 IPC

5. In this matter, the quantity of Ganja is 209.700 kgs, where the rider under Section 37 of the NDPS Act, would apply.

6. A report was called for from the learned Special Judge,

by this Court, as per interim order, dated 7.12.2023, suggesting the minimum time for disposal of S.C.No.154/2022 arose out of Crime No.658/2021 of Koraty Police Station, Thrissur, and the learned IV Additional District Judge, Thrissur, as per report, dated 11.12.2023, agreed to dispose of the matter within a period of six months.

7. Having noticed the fact that the petitioner, who is a habitual offender, involved in 8th crime, if released on bail, he would repeat similar crimes and no materials available to dilute BAIL APPL. NO. 10705 OF 2023 4

the rider under Section 37 of the NDPS Act. Since the learned Special Judge agreed to dispose of the case within a period of six months, there shall be a direction to the learned Special Judge, Thrissur, to dispose of S.C.No.154/2022, arose out of Crime No. from the date of receipt of a copy of this order and file compliance of report. Directing so, this bail application stands dismissed. Sd/- A. BADHARUDEEN JUDGE Bb

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