

Abhinas, vs State of Kerala,

Abhinas, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1324311

Court : Kerala Orders

Decided On : May-29-2024

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

Appeal No. : Bail Appl./3532/2024

Appellant : Abhinas,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
WEDNESDAY, THE 29TH DAY OF MAY 2024 / 8TH JYAISHTA, 1946
BAIL APPL. NO. 3532 OF 2024 CRIME NO.50/2022 OF KOLLAM
EXCISE RANGE OFFICE, KOLLAM PETITIONER/ACCUSED NO.3:
ABHINAS, AGED 21 YEARS S/O.NASARUDHEEN, ANZINIVAS,
EDAKULANGARA PO., KALLELBHAGAM, KARUNAGAPALLY,
KOLLAM, PIN - 690523 BY ADVS. ALEX K.JOHN K.A.ABDUL NAZAR
KUNJU REMYA MURALI RESPONDENT/COMPLAINANT & STATE: 1
STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE
OFFICER, EXCISE RANGE OFFICE, KOLLAM, PIN - 601021

SMT.NIMA JACOB, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

MOHAMMED NIAS C.P., J.

Dated this the 29th day of May, 2024

ORDER

This is the second application for regular bail filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the third accused in Crime No. 50/2022 of Kollam Excise Range Office for offences punishable under Sections 22(c), 20(b)(ii)

(A) & 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

3. The prosecution case is that, on 5.10.2022 at about 2 A.M, the

Excise Enforcement Narcotic Squad, led by Circle Inspector Kollam, arrested the accused persons, three in number, with the possession of 51.1457 grams of MDMA from the rented house. All three accused, including the petitioner, were arrested on the spot. 25 grams of Ganja was also recovered from the motorcycle of the other accused. The said contraband articles were purchased and brought by A1 & A2. Thus, the

petitioner herein/accused No.3 is alleged to have committed the aforementioned offences. -3-

4. Earlier application, BA No.8773/2023 was rejected as per

orders of this Court dated 11.12.2023. While dismissing the same, a direction was given to the court concerned to complete the trial within six months and that, if the trial was not completed within the said period, and if the delay was not attributable to the acts of the petitioner, liberty was given to the petitioner to seek bail from the

court concerned. The petitioner has not done that, instead, he has filed this application.

5. Given the earlier directions passed by this Court, I am of the opinion that the petitioner should be relegated to approach the court concerned.

6. Learned counsel for the petitioner submits that the petitioner

has a serious health condition, which also can be pointed out before the court below. The Court concerned will consider the applications, if any filed, on their merits and pass appropriate orders in accordance with law. Subject to the above, the bail application is closed. Sd/- MOHAMMED NIAS C.P. JUDGE dlk/29.05.2024

-4- APPENDIX OF BAIL APPL. 3532/2024 PETITIONER'S ANNEXURES
ANNEXURE 1 ORDER DATED 11-12-2023 IN BAIL APPL.8773/2023 ON HIGH COURT

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com