

Jaseel vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1336191

Court : Kerala

Decided On : Apr-27-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./1058/2023

Appellant : Jaseel

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 27TH DAY OF APRIL 2023 / 7TH VAISAKHA, 1945
(SC NO.734/2021 OF ADDITIONAL SESSIONS COURT,
THIRUVANANTHAPURAM ARISING FROM THIRUVANANTHAPURAM
EXCISE ENFORCEMENT ANTI NARCOTIC SPECIAL SQUAD CR
NO.13/2020) PETITIONER/3RD ACCUSED: JASEEL, AGED 30 YEARS
S/O JALALUDHEEN, MUHABATH VEEDU, KATTADI DESOM
VARKALA TALUK, MANAMBUR VILLAGE, THIRUVANANTHAPURAM
DISTRICT-, PIN - 695144. BY ADV P.ANOOP (MULAVANA)

RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA., PIN - 682031. OTHER PRESENT:

SR.PP - C.K.SURESH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VIJU ABRAHAM, J BA No.1058 of 2023 th Dated this the 27 day of April, 2023

ORDER

This is an application for regular bail.

2. The petitioner is accused No.3 in Crime No.13/2020

of Excise Enforcement and Anti Narcotic Special Squad Thiruvananthapuram, alleging commission of offence punishable under Section 20(b)(ii)C & 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

3. The prosecution allegation is that, on 08-10-2020, at

3 pm, between Vellamkolli Junction and Altharamoodu, accused were found in a Mahindra Bolero maxi Truck KL 16F 2824 and Ashok Leyland TDCR pick up van KL 43 D 7923 carrying 3 kg hashish oil, 101 kgs of ganja and were arrested by the Excise Circle inspector and others.

4. The learned counsel for the petitioner submitted that

the petitioner was arrested on 08.10.2020 and that he is continuing in custody. It is also submitted that the petitioner moved an application for bail before this Court and the same was dismissed as per Annexure A1 order. Petitioner submits that even though there is a direction in Annexure-A1 order, directing the trial court to dispose of the matter as expeditiously as possible, till date the trial of the case has not been started. Petitioner on an earlier occasion sought for an interim bail as his wife is having serious health issues and this court has granted interim bail as per Annexure-2 order and he has duly surrendered back in the jail concerned as per the direction in the bail order. Petitioner submits that charge sheet is already laid and therefore further detention of the petitioner is not required for the purpose of the investigation. Petitioner further submitted that he is in custody since 08.10.2020 and that the trial of the case is not yet started.

5. Learned Public Prosecutor opposed the application for bail mainly contending that 101 kgs of Ganja and 3 kgs of Hashish oil were seized and the petitioner along with accused Nos,1, 2 and 4 were arrested. Charge sheet has already been laid against accused Nos.1 to 5 and the case is numbered as th SC No.734/2021. Later it was found that the 6 accused is also involved in the above said case and his arrest was recorded, while he was in remand in Muttom jail in another crime, ie Crime No.4/2021 registered by the Excise Enforcement and Anti Narcotic Special Squad, th Thiruvananthapuram and that the investigation against the 6 accused is still going on. It was also contended that the

petitioner is also involved in another Crime No.12/2017 under Section 20(b)(ii) A of the NDPS Act. It is seen that by Annexure-1 order, while dismissing the bail application filed by the petitioner this court as per order dated 14.06.2021, directed the trial court to dispose of the matter as expeditiously as possible.

6. A report was called for from the trial court concerned regarding the present stage of the case, wherein it th is reported that the investigation against the 6 accused is still going on and no final report has been filed and after filing of th the final report against the 6 accused, the trial of the case could be scheduled.

7. Learned Public Prosecutor upon instructions submitted that infact investigation has been completed against th the 6 accused also and final report has been filed. Since the th final report has been filed in respect of 6 accused also, there cannot be any impediment in completing the trial of the case. Considering the huge quantity of contraband, ie. 101 kgs

of ganja and 3 kgs of hashish oil, I am not inclined to grant bail to the petitioner. But, taking note of the fact that the petitioner is in detention for long and further that final report th in respect of 6 accused is also laid, there will be a direction to the trial court concerned to expedite the trial of the case and complete the same at the earliest, at any rate, within a period of six months from the date of receipt of a copy of this order. If there is undue delay in completion of the trial as directed, petitioner will be free to approach this Court or the trial court concerned seeking bail. Bail application is disposed of as above. sd/- VIJU ABRAHAM, JUDGE R.AV