

Ijas Azeez, vs State of Kerala,

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./2172/2023

Appellant : Ijas Azeez,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
BAIL APPL. NO. 2172 OF 2023 AGAINST THE
ORDER/JUDGMENTCMP 3537/2022 OF ADDITIONAL DISTRICT
COURT & SESSIONS COURT - III, KASARAGOD / III ADDITIONAL
MACT, KASARAGODE PETITIONER: IJAS AZEEZ, AGED 25 YEARS
S/O.AZEEZ, JEEFAS MANZIL, KUMMANNOOR P.O., EIRAVAON,
KONNI, PATHANAMTHITTA DISTRICT, PIN - 686572 BY ADV
T.GOPALAKRISHNAN RESPONDENT: STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, ERNAKULAM DISTRICT, KERALA, PIN - 682031

OTHER PRESENT: PP - SUNILKUMAR KURIAKOSE THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No. 2172 of 2023 2

VIJU ABRAHAM, J.

----- B.A. No. 2172 of 2023 ----- Dated this the 31st day of May, 2023

ORDER

This is an application for regular bail.

2. Petitioner is the 2nd accused in Crime

No.641/2022 of Vidya Nagar Police Station, Kasaragode district, alleging commission of offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution allegation is that, on 12.8.2022 at about 18.45 hours, the 1st accused was found in unauthorized possession of 70 grams of MDMA in a motor cycle bearing registration No.KL- 14-R-7064 at Kuthirappadi in Patla Village. The petitioner/2nd accused was travelling along with the 1st accused as a pillion rider and thereby the accused have committed the alleged offence.

4. The petitioner has moved applications for

B.A. No. 2172 of 2023 3 bail earlier which were disposed of as per Annexures-A & B orders declining to grant relief. The said bail application was taken into consideration.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. The learned Public Prosecutor upon instructions submitted in the investigation it is revealed that the petitioner has close contact with the 1st accused and that there are large number of monitory transactions through google pay account between accused Nos.1 and 2.

7. Considering the large quantity of contraband involved and the active role of the petitioner, the bail application was dismissed as per Annexure-A

order. The present application has been filed stating that the final report has been filed and that his further detention is not required for the purpose of investigation.

8. The learned Public Prosecutor opposed the

B.A. No. 2172 of 2023

4application

for

called for a report from the trial court concerned regarding the present stage of the case, in which it was reported that the chemical analysis report is not yet obtained and the trial could commence only on receipt of the chemical analysis report. The learned Public Prosecutor upon instructions submitted that the chemical analysis report is already forwarded to the trial court on 27.3.2023. Therefore, there is no impediment for starting the trial and disposal of the case. Considering the large quantity of contraband involved and the active role of the petitioner, I am not inclined to grant bail to the petitioner. But there will be a direction to the trial court to expedite the trial

of the case and to complete the same as expeditiously as possible, at any rate, within a a period of six months from today. If the trial of B.A. No. 2172 of 2023 5 the case is unduly delayed, the petitioner will be free to approach this Court or the trial court concerned. With the above direction, the above bail application is disposed of. sd/- VIJU ABRAHAM, JUDGE pm

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