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Dinshad vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-20-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./3871/2023

Appellant : Dinshad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. THURSDAY, THE 20TH DAY OF JULY 2023 / 29TH ASHADHA, 1945 BAIL APPL. NO. 3871 OF 2023 CRIME NO.193/2023 OF TOWN NORTH POLICE STATION, PALAKKAD PETITIONER/ACCUSED NO.1: DINSHAD AGED 32 YEARS S/O SHAMSUDHEEN RESIDING AT IRUMBUKADAAYIL HOUSE, CHANDANATHOPPE, MEKKON, KOTTAMKARA, PERINAD, KOLLAM CITY., PIN - 691601 BY ADV N.K.MOHANLAL RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY STATION HOUSE OFFICER TOWN NORTH POLICE STATION, PALAKKAD., PIN - 678582 2 STATE OF KERALA STATE OF KERALA REPRESENTED BY

PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM., PIN - 682031 ADV. SREEJA V - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

ORDER

Dated this the 20th day of July, 2023 The petitioner is the 1st accused in crime No.193/2023 of Town North Police Station, Palakkad. The offence alleged against the petitioner is under Section 22(c) read with Section 29 of the Narcotic Drugs Psychotropic Substances (NDPS) Act, 1985.

2. The prosecution case is that, on 17.02.2023, the

petitioner was found in possession of 111.64 grms of MDMA, at Palakkad Junction Railway Station. The crime was registered in such circumstances and the arrest of the petitioner was also recorded on the same day. Since then, the petitioner has been under judicial detention. This application for regular bail is submitted in such circumstances.

3. Heard Sri. N.K. Mohanlal, the learned counsel appearing for the petitioner and Smt. Sreeja V., the learned Senior Public Prosecutor for the State.

4. The learned counsel for the petitioner contends that the petitioner is innocent of all the allegations and he was falsely :3 : implicated.

5. On the other hand, the learned Public Prosecutor

would oppose the aforesaid application by pointing out that, the petitioner was caught along with the contraband article, which is of huge quantity. The matter is even now under investigation. Therefore, dismissal of the application was sought.

6. I have gone through the records. As rightly pointed out by the learned Public Prosecutor, the petitioner was found in

possession of contraband article. Even though the learned counsel for the petitioner points out that, the petitioner does not have any criminal antecedents

and he has been in judicial custody since 17.02.2023, I am of the view that those matters alone cannot be a decisive factor, when considering the application for bail of the accused who is involved in case of narcotic drug in commercial quantity. The quantity involved is 111.640 gms of MDMA, it is more than that of the commercial

quantity. The rigour under Section 37 of the NDPS Act is applicable. From the materials, I am unable to find anything to arrive at the satisfaction of the dual conditions contemplated under Section 37 of the NDPS Act.

:4 : In such circumstances, I do not find any merit in this application and accordingly, it is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE ncd :5 : APPENDIX OF BAIL APPL. 3871/2023 PETITIONER ANNEXURES Annexure A 1 A TRUE COPY MEDICAL CERTIFICATE DATED QUARTERS HOSPITAL HARIPAD Annexure A 2 CERTIFIED COPY OF ORDER IN CRL. M.C SESSIONS COURT, PALAKKAD

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