

Rafeeqe V.P. vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-21-2023

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

Appeal No. : Bail Appl./4777/2023

Appellant : Rafeeqe V.P.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 21ST DAY OF JULY 2023 / 30TH ASHADHA, 1945 BAIL
APPL. NO. 4777 OF 2023 CRIME NO.839/2022 OF Manjeri Police
Station, Malappuram PETITIONER/ACCUSED NO.1: RAFEEQUE V.P.
AGED 36 YEARS S/O.SHOUKATHALI, VATTAPARAMBIL HOUSE,
MANGALASSERY, MANJERI, MALAPPURAM DISTRICT, PIN - 676123.
BY ADV BABU S. NAIR RESPONDENTS/STATE & COMPLAINANT: 1
STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN
- 682031. 2 THE STATION HOUSE OFFICER , MANJERI POLICE
STATION, MALAPPURAM DISTRICT, PIN - 676121. SRI.C.S

HRITHWIK, SR. PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 4777 OF 2023 2

ORDER

The petitioner is the 1st accused in Crime No.839 of 2022 of Manjeri Police Station which was registered for the offences punishable under Sections 22(c), 20(b)(ii) A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that on 29.9.2022 at at about 19.05

hours, the petitioner was found in a room along with 70 grams of MDMA and 60 grams of Ganja. The petitioner was arrested on the same day along with the contraband articles and since then, he has been under judicial detention. This application for regular bail was submitted in such circumstances.

3. Heard Sri.Babu S. Nair, the learned counsel appearing for the petitioner and Sri.C.S.Hrithwik, the learned Public Prosecutor appearing for the State.

4. The learned counsel appearing for the petitioner submitted that

the petitioner is innocent of all the allegations. It is pointed out that he has been in judicial custody since 29.9.2022 and there is no fruitful purpose in keeping him in judicial custody particularly because the final report in this case is already submitted. BAIL APPL. NO. 4777 OF 2023 3

5. On the other hand, the learned Public Prosecutor opposes the

said application by pointing out that the petitioner was caught red handed along with the contraband. The quantity involved is commercial and he is also involved in another case numbered as Crime No.777/2022 of the Kondotty Police Station which was registered for the offences under Section 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1982.

6. I have gone through the records. As rightly pointed out by the

learned Public Prosecutor, the petitioner was found in possession of the contraband and therefore there is a prima facie case. Besides the same, the petitioner is also having criminal antecedents for possessing narcotic drugs in commercial quantity. Since the quantity is commercial, rigour under Section 37 of the Narcotic Drugs and psychotropic Substances Act is applicable. On perusal of the records produced before this Court, I am unable to find anything to record the satisfaction of the twin conditions contemplated under Section 37 of the Act. Therefore, I do not find any merit in this application and accordingly dismissed. Sd/- ZIYAD RAHMAN
A.A. JUDGE

Sru BAIL APPL. NO. 4777 OF 2023 4 APPENDIX OF BAIL APPL. 4777/2023
PETITIONER ANNEXURES Annexure A A TRUE COPY OF THE F.I.R. AND THE
F.I.S. IN CRIME NO.839/2022 OF THE MANJERI POLICE STATION DATED 29-
9-2022.

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