

Vidhu Krishnan vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-04-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4798/2023

Appellant : Vidhu Krishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
TUESDAY, THE 4TH DAY OF JULY 2023 / 13TH ASHADHA, 1945 BAIL
APPL. NO. 4798 OF 2023 AGAINST THE ORDER/JUDGMENTSC
963/2022 OF ADDITIONAL DISTRICT COURT & SESSIONS COURT -
II, PATHANAMTHITTA / II ADDL.M.A.C.T. Bail Appl. 9170/2022 OF
HIGH COURT OF KERALA PETITIONER/5TH ACCUSED: VIDHU
KRISHNAN AGED 21 YEARS PRAMEELA BHAVANAM,
KUDASSANADU P.O., PALAMEL, MAVELIKKARA TALUK,
ALAPPUZHA DIST., PIN - 689512 BY ADVS. M.J.SANTHOSH RENJITH
B.MARAR RESPONDENT/COMPLAINANT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA, PIN - 682031 BY P.P., SRI. JOBY JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) No. 4798 of 2023 :2:

VIJU ABRAHAM , J.

===== Bail Appln. No. 4798 of 2023
===== Dated this the 4th day of July, 2023

ORDER

This is an application for regular bail.

2. The petitioner is accused No.5 in Crime No.864/2022 of

Pandalam Police Station, Pathanamthitta District, alleging commission of offences punishable under Sections 22(c), 60(3), 8(c) and 29 of Narcotic Drugs and Psychotropic Substances Act.

3. The prosecution allegation is that, on 30.07.2022, at

3.55 pm, Police Inspector, Pandalam and his party seized 4.480 grams of MDMA from the possession of the 1st accused and 151.490 grams of MDMA from the possession of the 4th accused; total quantity of 155.970 grams of MDMA from Room No.106 of River Walk Hotel, Pandalam. It is also alleged that during search, the police seized electronic weighing machine, plastic covers and also recovered two cars and one scooter. The petitioner and other accused were arrested from the spot.

4. The learned counsel for the petitioner submitted that

the petitioner has been falsely implicated in the above said crime and that he was not in possession of any narcotic drug. It is also submitted that the petitioner is in custody from 30.07.2022 WP(C) No. 4798 of 2023 :3:

onwards. It is further submitted that the investigation is over and charge has been laid and therefore further detention of the petitioner is not required for the purpose of investigation. It is the case of the petitioner that he had no knowledge about the contraband allegedly seized from the bag of the 4th accused. It is further submitted that he has no other criminal antecedents. Petitioner submits that taking into consideration the fact that he is in custody for long and that the trial of the case has not yet started, he is entitled for bail.

5. The learned Public Prosecutor seriously opposed the

application for bail mainly contending that commercial quantity of synthetic drug having 155.970 grams was seized from the possession of the accused. Even though the petitioner has earlier moved an application for bail before this Court, the same was rejected and that there is no change in circumstances warranting a deviation from the decision taken earlier. It is further submitted that the investigation so far reveals that the petitioner along with accused Nos. 1, 2 and 4 conspired together on 28.07.2022 to bring the contraband to the State, from Karnataka. For the said purpose, the 1st accused arranged a car which was taken on rent by the 4th accused and thereafter accused Nos. 4 and 5, as directed by the 1st accused, went to Ilanka in Bangalore and the contraband was handed over to them by the 6th accused who has procured the

WP(C) No. 4798 of 2023 :4:

same from the 9th accused. The petitioner along with the 4th accused transported the contraband to the Kerala State in the car bearing Registration No. KL-53-6479 and they reached room No. 106 of River Walk Hotel at Pandalam, which was taken on rent by the 1st accused and at this point of time, they were apprehended by the police and from the possession of the 1st accused, 4.480 grams and from the shoulder bag of the 4th accused, 151.490 grams of MDMA and thereby totally 155.970 grams of MDMA was seized. It is further submitted that the petitioner has an active role in the commission of the offence and that the contraband being a commercial quantity, the petitioner is not entitled for bail. The petitioner has several telephonic contacts with the 1st accused and that there are monetary transactions with accused Nos. 1, 2 and 4.

Considering the role of the petitioner in the commission of

the offence and the large quantity of contraband involved, I am not inclined to grant bail to the petitioner. There will be a direction to the trial court to expedite the trial of the case. If there is undue delay in the completion of the trial, the petitioner will be free to move this court or the trial court concerned seeking bail.

Sd/- VIJU ABRAHAM JUDGE sbk/-

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