

Latheef, vs the State of Kerala,

Latheef, vs the State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1368644

Court : Kerala Orders

Decided On : Jun-27-2023

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

Appeal No. : Bail Appl./4939/2023

Appellant : Latheef,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 27TH DAY OF JUNE 2023 / 6TH ASHADHA, 1945
CRIME NO.157/2023 OF PERUVANNAMUZHY POLICE STATION,
KOZHIKODE PETITIONER/FIRST ACCUSED: LATHEEF, AGED 45
YEARS S/O.AHAMMED, RESIDING AT PARAMMEL HOUSE,
PERUVANNAMUZHI P.O. KOZHIKODE DISTRICT., PIN - 673526 BY
ADVS. B.KRISHNA MANI N.V.SANDHYA VINAY VIJAY SHANKER
RESPONDENTS/THE STATE AND THE COMPLAINANT:

1 THE STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031 2 THE STATION HOUSE OFFICER, PERUVANNAMUZHI

POLICE STATION, PERUVANNAMUZHI, KOZHIKODE RURAL, KOZHIKODE DISTRICT., PIN - 673526 BY ADV. SREEJA V. - SR. PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the 1st accused in Crime No.157/2023 of Peruvannamuzhi Police Station. The crime was registered for the offences punishable under Sections 20(b)(ii)(B) of the NDPS Act.

2. The prosecution case is that on 09.05.2023, based on

reliable information, the Police conducted a search in the house taken on rent by the 2nd accused and family. During the said search, 2760 grams of ganja were found kept in the house, and it was seized. During the interrogation, the 2nd accused revealed that the petitioner herein used to visit the said house regularly, and it was at his instance

that the ganja was kept in the said residence. As part of the investigation, the petitioner was arrested on 09.05.2023. Since then, he has been under judicial detention. This application for regular bail is submitted in such circumstances.

3. Heard Sri.B. Krishna Mani, learned counsel appearing for the petitioner and Smt.Sreeja V. learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the petitioner was falsely implicated in the case. According to him, even as per the prosecution case, the residential building from which the

seizure effected was occupied by the 2nd accused. There are no materials indicating that it was at the petitioners instance that the said articles were kept in the said premises. Now the petitioner has been in custody since 09.05.2023 onwards, so there is no fruitful purpose in keeping the petitioner under detention.

5. The learned Public Prosecutor opposes the said application

by pointing out that there are specific allegations against the petitioner. It is also pointed out that the inspection was conducted on the premises after getting an information that the petitioner had kept ganja in the said residence, and upon such inspection, the seizure was effected. It was also revealed during the course of the inspection that the petitioner used to visit the said house regularly and used to stay therein occasionally. Besides the same, the petitioner was involved in ten other cases, out of which two cases are under the NDPS Act. In such circumstances, the dismissal of the application was sought.

6. I have gone through the records. Even though the learned

counsel for the petitioner contends that the petitioner was falsely implicated, while going through the materials placed before me, that contention cannot as such be accepted. As rightly pointed out by the learned Public Prosecutor, during the course of the investigation, they could collect materials to the effect that the petitioner was regularly visiting the said place and was staying in the said building occasionally. Besides the same, the search was conducted based on information that the petitioner was keeping the contraband article in the house. The petitioner was involved in several cases, including NDPS cases. When all the aforesaid aspects are taken into consideration, I am of the view that the contention of the petitioner cannot be accepted. The matter is under investigation; hence, I do not find this as a fit case in which bail can be granted at this stage.

Accordingly, this application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE scs

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com