

Ramadasan vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-16-2023

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

Appeal No. : Bail Appl./6347/2023

Appellant : Ramadasan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 16TH DAY OF AUGUST 2023 / 25TH SRAVANA,
1945 CRIME NO.10/2021 OF CHITTUR EXCISE RANGE OFFICE,
PALAKKAD PETITIONER: RAMADASAN AGED 59 YEARS S/O
RAMAN, MEDAPARAMBATH HOUSE, CHEMBALA DESOM,
AZHIYOOR VILLAGE, VADAKARA, KOZHIKODE, PIN - 627360 BY
ADVS. BONNY BENNY GOVIND G. NAIR BEJOY JOSEPH P.J. BALU
TOM RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY ADV
C.S.HRITHWIK - SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 16.08.2023, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the 1st accused in Crime No.10/2021 of Excise Range Office, Chittur, which was registered for the offences punishable under Sections 20(b)(ii)(C), 25 and 29 of NDPS Act.

2. The prosecution case is that, on 28.12.2021 at about

12.45 p.m., the petitioner was found in possession of 188.00 kilograms of Ganja which was being transported for sale in a car. The crime was registered in such circumstances and the petitioner was arrested on the same day. Since then the petitioner has been in judicial custody. This application for regular bail is submitted in such circumstances.

3. Heard Sri.Bonny Benny, learned counsel for the petitioner and Sri.C.S. Hrithwik, learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submitted that the

petitioner is innocent of all the allegations. It is also pointed out that the petitioner has been under judicial custody since 28.12.2021 and there is no purpose in keeping the petitioner under detention.

5. On the other hand, the learned Public Prosecutor

pointed out that, this is a case involving transportation of huge quantity of contraband article. Besides the same, it is pointed out that, the trial of the said case is also already scheduled and the case was posted to 10.08.2023 for examination of the investigating officer.

6. I have gone through the records. From the materials

placed on record, a prima facie case made out as against the petitioner and he was also found in possession of the contraband article which is in huge quantity. Now it is reported that the trial is in progress and it is in its last stage. Therefore, I

do not find any justifiable reason to grant bail to the petitioner at this stage, as the trial is likely to be over by this month itself. In such circumstances, I do not find any merit in this application and accordingly, it is dismissed.

7. At this juncture, the learned counsel for the petitioner

points out that, the petitioner at least requires an interim bail as the petitioner's daughter had secured admission for a degree course in Bachelor of Physiotherapy in Mangalore. Therefore, his presence is required for making necessary arrangements in this regard. In such circumstances, I am of the view that, even though this

application for regular bail is dismissed, it is clarified that, it shall be open for the petitioner to approach the learned Sessions Judge with an application for the said purpose and upon submission of such application, the same shall be considered by the learned Sessions Judge without any delay and pass appropriate orders in accordance with law.

Sd/- ZIYAD RAHMAN A.A. JUDGE scs

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