

RAHUL VIJAYAKUMAR Vs State of Kerala (Excise Circle Inspector, Kottayam) Represented by Public Prosecutor, High Court o

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Court : Kerala

Decided On : Aug-21-2023

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

Appeal No. : Bail Appl./7017/2023

Appellant : Rahul Vijayakumar

Respondent : State of Kerala (Excise Circle Inspector, Kottayam) Represented by Public Prosecutor, High Court o

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 21ST DAY OF AUGUST 2023 / 30TH SRAVANA, 1945
BAIL APPL. NO. 7017 OF 2023 CRIME NO.13 OF 2023 OF EXCISE
RANGE OFFICE PAMPADY, KOTTAYAM PETITIONER/ACCUSED:
RAHUL VIJAYAKUMAR AGED 24 YEARS S/O VIJAYAKUMAR,
PRIYANKA NIVAS (H), AMBEDKAR NAGAR, COLLECTORATE P.O,
MUTTAMBALAM VILLAGE, KOTTAYAM TALUK, KOTTAYAM
DISTRICT, PIN - 686002 BY ADV BOBBY GEORGE

RESPONDENT/COMPLAINANT: STATE OF KERALA (EXCISE CIRCLE INSPECTOR, KOTTAYAM) REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA PIN - 682031 OTHER PRESENT: Adv Nima Jacob- PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A No. 7017 OF 2023 2

ORDER

Dated this the 21st day of the August, 2023 This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. Petitioner is the sole accused in Crime No.13/2023 of

Excise Range Office, Pampady, Kottayam. The offence alleged against the petitioner is under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is that, on 12.07.2023, the petitioner

was found in possession of 2.0406 grams MDMA. The petitioner was arrested on the same day and since then, he has been under judicial detention. The crime was registered accordingly. This application for regular bail is submitted in such circumstances.

4. Heard Sri.Bobby George, learned counsel for the petitioner and Smt.Nima Jacob, learned Public Prosecutor for the State.

5. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations, whereas the learned Public Prosecutor opposed the said application. B.A No. 7017 OF 2023 3

6. I have carefully gone through the records. It is true that

there are certain allegations against the petitioner and the petitioner was found in possession of the contraband article. However, it is a fact that the petitioner has been in judicial custody since 12.07.2023 and no criminal antecedents of the

petitioner have been brought to my notice. The quantity involved is intermediate to which the rigour under Section 37 of the NDPS Act is not applicable. In such circumstances, taking note of the period of detention already undergone by the petitioner, I deem it appropriate to grant bail to the petitioner. In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs. 1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall fully cooperate with the investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Thursday until the filing of final report. B.A No. 7017 OF 2023 4

(iv) The petitioner shall also appear before the investigating officer as and when required.

(v) The petitioner shall not commit any offence of similar nature while on bail.

(vi) The petitioner shall not make any attempt to

contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vii) The petitioner shall not leave India without the

permission of the trial Court. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE mtk