

Jayasankar, vs State of Kerala,

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Court : Kerala Orders

Decided On : Nov-29-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./7751/2023

Appellant : Jayasankar,

Respondent : State of Kerala,

Judgement :

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
WEDNESDAY, THE 29TH DAY OF NOVEMBER 2023 / 8TH
AGRAHAYANA, BAIL APPL. NO. 7751 OF 2023 AGAINST THE ORDER
IN CRMP 2913/2023 OF DISTRICT COURT & SESSIONS COURT,
THIRUVANANTHAPURAM PETITIONER/ACCUSED NO.1:
JAYASANKAR, AGED 32 YEARS, S/O RAJA MANOHARAN, HOUSE
NO.33B/2, RAJAPALAYAM, NEAR MURUKAN KALYANA MANDAPAM,
ANDAGOPALAPURAM, SANKARAPERI VILLAGE, THOOTHUKUDI
DISTRICT, TAMILNADU -628002. BY ADV. SRI. L.RAJESH NARAYAN

RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED BY EXCISE INSPECTOR, AMARAVILA EXCISE RANGE OFFICE, THIRUVANANTHAPURAM DISTRICT, THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. SRI.M.C.ASHI, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C. P. , J.

B. A. No. 7751 of 2023 Dated this the 29th day of November, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail. The petitioner is the first accused in Thiruvananthapuram, for offences punishable under Sections 22(C), 20(b)(ii)(A), 25 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

2. The prosecution case is that, on 15.7.2023 at 10.15 P.M., the

petitioner along with the second accused, in a Ford Figo car bearing Reg. No. TN 69 BE 7889 were apprehended by the Excise Inspector, Amaravila Excise Range Office, at a place called Udayankulangara - Plamoottukada Road at Chenkal Village and 0.104 milligrams of LSD and 8.367 milligrams of Hash oil was found in possession. 25 grams of Ganja was recovered from the possession of the second accused and 75 grams of Ganja was seized from the dashboard of the car. [total 100 Grams of Ganja]. Thus, the petitioner herein/accused No.1 is alleged to have committed the aforementioned offences.

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3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the State.

4. The learned counsel for the petitioner submits that the petitioner

is innocent of all the allegations and has been falsely implicated with ulterior motives. At any rate, he points out that the petitioner has been in custody since 15.7.2023, and the continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposes the prayer sought by the petitioner.

6. Considering the allegations against the petitioner of having

possessed contraband of commercial quantity, the seizure was from the trouser pocket and also, considering the rigour under Section 37 of the NDPS Act, I am not inclined to grant bail to the petitioner. The learned counsel for the petitioner points out that there is a violation of the procedure prescribed under Section 50 of the NDPS Act, which of course is a contention to be raised at the time of trial.

Without prejudice to the said contention, this bail application is dismissed. Sd/-
MOHAMMED NIAS C. P., JUDGE MMG ..4.. APPENDIX OF BAIL
APPL.NO.7751/2023 PETITIONER'S ANNEXURES: ANNEXURE A1 CERTIFIED
COPY OF THE CRIME AND OCCURANCE REPORT DATED 16.7.2023 IN NDPS
C.R NO.41/2023 OF THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
AMARAVILA ANNEXURE A2 CERTIFIED COPY OF THE ORDER DATED
1.8.2023 IN CRL MP NO. 2913/2023 OF THE HON'BLE ADDL SESSIONS
COURT-I, ANNEXURE A3 TRUE COPY OF THE COMPLAINT FILED BY THE
WIFE OF THE PETITIONER BEFORE THE EXCISE COMMISSIONER DATED
21.7.2023

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