

Shine vs State of Kerala

Shine vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1387942

Court : Kerala

Decided On : Nov-28-2023

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

Appeal No. : Bail Appl./7812/2023

Appellant : SHINE

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 28TH DAY OF NOVEMBER 2023 / 7TH
AGRAHAYANA, 1945 BAIL APPL. NO. 7812 OF 2023 CRIME
NO.502/2023 OF CHADAYAMANAGALAM POLICE STATION, KOLLAM
AGAINST THE ORDER/JUDGMENT CRMC 1826/2023 OF DISTRICT
COURT & SESSIONS COURT,KOLLAM PETITIONER/S: SHINE AGED
36 YEARS S/O.SELVAN, KIZHAKKUMKARA, PUTHENVEEDU,
NEYYATINKARA, KOLLAYIL P.O, THIRUVANANTHAPURAM, PIN -
695503 BY ADVS. K.SIJU ANJANA KANNATH RESPONDENT/S:
STATE OF KERALA 1 REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 STATION HOUSE OFFICER CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT -, PIN - 691534 SRI.M.C.ASHI, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. The petitioner is the second accused in crime

No.502/2023 of Chadayamangalam Police Station, Kollam district, for having committed offences punishable under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short, the Act).

3. The prosecution case is that on 3.4.2023 at 1.15 PM,

acting on a tip-off regarding illegal transportation of ganja, when the Sub Inspector of Police, Chadayamangalam and his party intercepted the vehicle bearing Reg.No.KL 01/CK-2624 near Nilamel Sastha Temple on the MC road, accused were found transporting 53.860 kilograms of ganja.

4. The learned counsel appearing for the petitioner would

say that the petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 03.04.2023, and continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for the petitioner and the learned Public Prosecutor and considering the involvement of the petitioner as the driver

of the vehicle which carried the contraband involving commercial quantity attracting the rigour of S.37 of the Act, I am not inclined to consider the request for bail. Accordingly, the Bail Application is dismissed. Sd/- MOHAMMED NIAS C.P. JUDGE shg

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