

Sajad vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1390129

Court : Kerala

Decided On : Oct-31-2023

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

Appeal No. : Bail Appl./8123/2023

Appellant : SAJAD

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.
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 BAIL APPL. NO. 8123 OF 2023 CRIME NO.76/2023 OF EXCISE
ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD, KOLLAM
PETITIONER/ACCUSED: SAJAD, AGED 29 YEARS, S/O.SHAJAHAN,
THEKKETHUNDIL VEETIL, PINAYKKAL CHERRY, MAYYANAD,
KOLLAM TALUK, NOW RESIDING AT SHAMEENA MANZIL,
VADAKKUMKARA KIZHAKKECHERRY, THAZHUTHALA VILLAGE,
KOLLAM TALUK -, PIN - 691571. BY ADVS.M/S.PRATHEESH.P &

ANJANA KANNATH RESPONDENTS/STATE: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. 2 EXCISE INSPECTOR, EXCISE ENFORCEMENT & ANTI NARCOTIC SPECIAL SQUAD, KOLLAM DISTRICT, PIN - 691001. SRI. P.G. MANU (MAMMALASSERY), SR. P.P. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C. P. , J.

B. A. No. 8123 of 2023 Dated this the 31st day of October, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail. The petitioner is the sole accused in Crime No.76/2023 of Excise Enforcement and Anti Narcotic Special Squad, Kollam, for having committed offences punishable under Sections 22(b) and 20(b)(ii)A of the Narcotic Drugs and Psychotropic Substances Act.

2. The allegation against the petitioner is that, on 2.9.2023, at about

10.10 p.m., the Excise Enforcement and Anti Narcotic Special Squad had intercepted a person travelling in a two-wheeler bearing Reg. No. KL 2 BR 3934. The rider was in possession of 5.140 grams of MDMA and 20 grams of Ganja and thereby, committed the aforementioned offences.

3. The learned counsel appearing for the petitioner would submit

that the petitioner is totally innocent and has been falsely implicated with ulterior motives. At any rate, he points out that the petitioner has been in custody since 2.9.2023, and the continued custody of the petitioner is ..3.. unnecessary.

4. The learned Public Prosecutor opposed the petition.

5. After having considered the submissions of the learned counsel

for the petitioner and learned Public Prosecutor and considering the nature of the allegations against the petitioner, the quantity involved, and the fact that he has been in custody from 2.9.2023 and also, since there is no apprehension raised by the prosecution that if released on bail, the petitioner is likely to abscond, I hold that bail can be granted to the petitioner. It is also to be noted that no other criminal antecedents have been reported against the petitioner. Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court; ii. The petitioner shall report before the Investigating Officer every Saturday between 9 a.m. and 10 a.m. till the final report is laid; iii. The petitioner shall not tamper or attempt to tamper with the ..4..

evidence or influence or try to influence the witnesses; iv. The petitioner shall not be involved in any other crime while on bail. v. The petitioner shall furnish his present address along with his mobile phone number to the court concerned as well as the Investigating Officer. vi. The petitioner shall surrender his Passport, if any, within seven days from the date of his release before the court concerned, and if the release of the Passport is required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the court having jurisdiction. If he has no Passport, he shall file an affidavit to that effect before the court concerned on the date of execution of the bond or within three days thereafter.

If any of the conditions are violated, the jurisdictional court concerned will be empowered to take steps for cancellation of bail, as per law. Sd/- MOHAMMED NIAS C. P., JUDGE MMG

