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Fayis, vs State of Kerala,

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Court : Kerala Orders

Decided On : Nov-27-2023

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

Appeal No. : Bail Appl./9526/2023

Appellant : FAYIS,

Respondent : State of Kerala,

Judgement :

..1..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. MONDAY, THE 27TH DAY OF NOVEMBER 2023 / 6TH AGRAHAYANA, BAIL APPL. NO. 9526 OF 2023 CRIME NO.1159/2022 OF TOWN NORTH POLICE STATION, PALAKKAD AGAINST THE ORDER IN CRMC 4206 /2023 OF DISTRICT COURT & SESSIONS COURT, PALAKKAD PETITIONER/ACCUSED: FAYIS, AGED 27 YEARS, S/O. MOYDHEEN,MUTHANAYIL HOUSE, KUNNAPPALLY (PO), PERINTHALMANNA, MALAPPURAM, PIN - 679322. BY ADVS.M/S.SAM ISAAC POTHIYIL, NEETHU SATHEESH, S.SURAJA,

KARAN MATHEW,MUHAMMED SUHAIR C.A, JOHNSON M.M., RAMU SUBHASH, HARITHA S. & SANOJ M.A. RESPONDENTS/STATE: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031. 2 STATION HOUSE OFFICER, PALAKKAD TOWN NORTH POLICE STATION,PALAKKAD DIST, PIN - 678508. SMT.T .V. NEEMA, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C. P. , J.

B. A. No. 9526 of 2023 Dated this the 27th 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 sixth accused in Crime No.1159/2022 of Town North Police Station, Palakkad, for offences punishable under Sections 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

2. The prosecution case is that, on 9.12.2022 at 11:30 a.m. near

Trinity Hospital, Palakkad, accused Nos. 1 to 4 were found in possession and transporting 153.430 grams of Methamphetamine in a car bearing No. KL-10-AT-7125. The investigation revealed the involvement of accused Nos. 5 to 8. Thus, the petitioner herein/accused No.6 is alleged to have committed the aforementioned offences.

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 ..3..

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 23.12.2022, and the continued custody of the petitioner is unnecessary.

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

6. Considering the fact that the prosecution alleges that the

petitioner, who is arrayed as A-6, had bought the contraband from A-5, who in turn supplied to A-1, a commercial quantity of contraband involved and the date of arrest being 23.12.2022, I am not inclined to consider the bail application at this stage taking into account the rigour under Section 37 of the NDPS Act. The bail application is dismissed. Sd/- MOHAMMED NIAS C. P., JUDGE MMG ..4.. APPENDIX OF BAIL APPL.NO.9526/2023 PETITIONER'S ANNEXURE: ANNEXURE A1 THE TRUE COPY OF ORDER DATED 27.09.2023 PASSED BY THE COURT OF SESSIONS DIVISION, PALAKKAD IN CRL. M.C. NO. 4206 /2023 IS PRODUCED

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