

Sabeer, vs State of Kerala

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Court : Kerala Orders

Decided On : Dec-22-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./10621/2023

Appellant : Sabeer,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945
BAIL APPL. NO. 10621 OF 2023 CRIME NO.352/2022 OF
Kuruppampady Police Station, Ernakulam PETITIONER: SABEER,
AGED 48 YEARS S/O. ABDUL KALAM, NADUVILAKATHU HOUSE,
PALAPRASSERY BHAGOM, CHENGAMANADU KARA, ERNAKULAM
DIST,, PIN - 683578 BY ADVS. SAM ISAAC POTHYIL S.SURAJA
NEETHU SATHEESH MUHAMMED SUHAIR C.A KARAN MATHEW
RAMU SUBHASH ANANTHAKRISHNAN R. RESPONDENTS: 1 STATE
OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH
COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER,

KURUPPANPADY POLICE STATION, ERNAKULAM DISTRICT,, PIN - 683545 OTHER PRESENT: PP - RIYAL DEVASSY THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.10621 of 2023 :2:

VIJU ABRAHAM, J.

-- -- -- -- -- B.A. No.10621 of 2023 -- -- -- -- --
-- -- -- Dated this the 22nd day of December, 2023

ORDER

This is an application for regular bail.

2. Petitioner is the 6th accused in Crime No.352 of 2022 of

Kuruppampady Police Station, Ernakulam District registered alleging commission of offences punishable under Section 8(c) read with Sections 22(b)(ii)C, 29, 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution allegation is that on 15.04.2022 at about

2.55 p.m., on previous information, a tanker lorry bearing Reg.No.TN-52-A-9200, drove by accused No.1, was intercepted by the police and on searching the vehicle, 248.165 kgs of ganja was seized from the secret chamber of the said lorry. Thereafter, on the basis of the confession, it is alleged that accused Nos.2, 4, 5 and 6 have spent amounts to purchase the contraband through accused No.3 and thus the accused have committed aforesaid offences.

4. Learned counsel for the petitioner submits that he has been falsely implicated in the abovesaid crime and that he is in custody from 05.05.2022 onwards. Learned counsel further B.A. No.10621 of 2023 :3: submits that the only allegation against the petitioner is that he has some monetary transactions with the other accused.

5. Learned Public Prosecutor seriously opposed the

application for bail contending that the quantity of contraband involved is 248.165 kgs of ganja. It is submitted that the investigation revealed that large monetary transactions were made from the account of the petitioner. It is further submitted that the petitioner is accused in Crime No.481 of 2009 of Kayamkulam Police Station registered under Sections 55(a) and 8(1)(2) of the Kerala Abkari Act and Section 120(B) read with Section 34 IPC and Crime No.641 of 2018 of FRO, Gudalur registered under Sections 8(c) and 20(b)(ii)(B) of the NDPS Act.

6. I have considered the bail application in respect of the petitioner earlier and rejected the same as per Annexure A1

judgment with a consequential direction to the trial court to

expedite the trial of the case. Petitioner submits that the trial of the case could not be completed as directed in Annexure A1 order. I have called for a report from the trial court concerned regarding the present stage of the case, wherein it is reported that the counsel for the 1st accused reported that he has no instructions and filed a memo relinquishing the vakalath and thereupon the 1st accused sought time to appoint a new counsel and the case now

B.A. No.10621 of 2023 :4: stands posted to 04.01.2024 for rescheduling the trial. Going by the instructions of the learned Public Prosecutor it is seen that there are various monetary transactions from the part of the petitioner and that the petitioner is also actively involved in the

commencement of the crime. It is also stated that the quantity involved is 248.165 Kgs of ganja, which is admittedly a commercial quantity. A perusal of Annexure A1 order would reveal that the petitioner has criminal antecedents of having involved in three other criminal cases, one of which is an offence punishable under the NDPS Act.

Taking into consideration the large quantity of the contraband involved and the criminal antecedents of the petitioner including a case involving NDPS Act, I am not inclined to grant bail to the petitioner. There will be a direction to the trial court to expedite the trial of the case. It is made clear that if the trial of the case is

unduly delayed, the petitioner will be free to approach this Court or the trial court concerned seeking bail.

With the above said direction, the above bail application is disposed of. Sd/- VIJU ABRAHAM JUDGE sm/ B.A. No.10621 of 2023 :5: APPENDIX OF BAIL APPL. 10621/2023 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF ORDER DATED 24.07.2023 PASSED BY THIS THIS HON'BLE COURT IN BA NO 10043/2022 Annexure A2 THE TRUE COPY OF ORDER DATED 20.10.2023 PASSED BY THIS THIS HON'BLE COURT IN BA NO 8954/2023

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