

Salam, vs State of Kerala,

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Court : Kerala Orders

Decided On : Feb-02-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./90/2022

Appellant : SALAM,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022 / 13TH MAGHA,
1943 BAIL APPL. NO. 90 OF 2022 CRIME NO.47/2021 OF EXCISE
ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD, PALAKKAD
PETITIONER/6TH ACCUSED: SALAM, AGED 47 YEARS SON OF
MUHAMMEDALI, BANGLAMPARAMBIL HOUSE, THAIKATTUKARA
P.O, ALUVA, ERNAKULAM, PIN 683 106 BY ADVS. R.ROHITH
HARISHMA P. THAMPI RESPONDENT/COMPLAINANT: STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, AT ERNAKULAM, PIN 682 031 BY ADV
ADDL.DIRECTOR GENERAL OF PROSECUTION OTHER PRESENT:

SRI. C.K. SURESH (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

ORDER

This is an application for regular bail.

2. The petitioner is the 6th accused in Crime No. 47 of 2021 of Excise

Enforcement and Anti Narcotic Special Squad, Palakkad District, alleging commission of offence under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act).

3. The allegation against the petitioner is that he along with other

accused in the case had procured 145.5 kg of ganja from Andhra Pradesh and thereby, he committed the offence under the aforesaid provisions of law. The interception was at a place called Kannadi at Palakkad Village.

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

has been roped in without any basis. It is submitted that the petitioner has been roped in on the basis of some information given by the other accused that the contraband was brought on the instructions of the petitioner. It is submitted that the petitioner has absolutely no connection with the other accused in the case and further that going by the information received by the excise officials, one Babu from Thiruvananthapuram and one Musthafa ..3.. from Aluva were also involved in the procurement of ganja and they have not been arrayed as accused in the case.

5. The learned Public Prosecutor, on instructions, would submit that

the petitioner was one among the people, who arranged for the contraband to be brought from Andhra Pradesh. It is submitted that the contraband has been brought in a bus coming from West Bengal to Aluva. It is submitted that the 1st accused in the case was the driver of the bus and the accused 2 to 5 are the persons, who are arrested from the spot at the time of recovery. It is further submitted that the recovery was made at the time when the contraband was being shifted from the bus to two cars, which were found to be arranged by the aforesaid Musthafa, who is to be arrayed as the 8th accused in the case. It is also submitted that the aforesaid Babu had arranged finance for the procurement of ganja through the petitioner herein and further that, the CDR details of the petitioner show that he was in Kannadi, Palakkad District, at the time when the seizure was effected. It is submitted that the drugs being in commercial quantity, there is no ground for this Court to believe that the petitioner is not guilty of the offence alleged against him.

6. Having heard the learned counsel for the petitioner and the learned

..4.. Public Prosecutor, I find no reasonable ground to believe that the petitioner is not guilty of the offence alleged against him. Therefore, going by Section 37 of the NDPS Act, the petitioner is not entitled to be released on bail. In the result, the bail application is dismissed. Sd/- GOPINATH P. JUDGE bka/02.02.2022

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