

**Ranjith vs the Assistant Excise Commissioner**

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**SooperKanoon Citation :** [sooperkanoon.com/1441940](http://sooperkanoon.com/1441940)

**Court :** Kerala

**Decided On :** Feb-03-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./272/2022

**Appellant :** Ranjith

**Respondent :** The Assistant Excise Commissioner

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,  
1943 BAIL APPL. NO. 272 OF 2022 CRIME NO.34/2021 OF EXCISE  
RANGE OFFICE, THALIPARAMBA, KANNUR DISTRICT  
PETITIONER/ACCUSED:

RANJITH AGED 24 YEARS S/O.RAJU, GRACE LINE, ATHIRAKAM,  
MUNDAYAD P.O., VARAM, KANNUR DISTRICT. BY ADVS.  
T.G.RAJENDRAN T.R.TARIN V.A.VINOD  
RESPONDENT/COMPLAINANT & STATE: 1 THE ASSISTANT EXCISE  
COMMISSIONER KANNUR - 670 003. 2 THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM - 682 031. OTHER PRESENT: ADV ASHI-PP  
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
03.02.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING: ..2..

## **ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 34 of 2021 of Excise

Range Office, Thaliparamba, Kannur District, alleging commission of offences under Sections 22(C), 20(b)(ii)(A) & 25 of the Narcotic Drugs and Psychotropic Substances Act.

3. The allegation against the petitioner was that 13.250 kg of a

substance believed to be MDMA and 5.960 gm of hashish oil were recovered from the possession of the petitioner and thereby, he committed the offences under the aforesaid provisions of law.

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

analysis, the substance believed to be MDMA has been shown to be Methamphetamine, in which event, the drugs seized from the petitioner are not in commercial quantities. It is pointed out that the petitioner is entitled to statutory bail on completion of 90 days in custody as the final report in the matter was filed only on 18.01.2022. It is further submitted that the petitioner has completed 107 days in custody and his continued detention may not be necessary for the purpose of investigation as the final report has already been filed in the matter. ..3..

5. I have heard the learned Public Prosecutor also. The learned Public

Prosecutor, on instructions, would submit that the substance believed to be MDMA is shown to be Methamphetamine, in which event, the drugs seized from the petitioner are not in commercial quantities. However, it is submitted that the petitioner cannot now claim that he is entitled to statutory bail as final report has already been filed in the matter. It is further submitted that if the petitioner is released on bail, there is every chance of repeating similar offences in future.

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

the learned Public Prosecutor, I am of the view that the petitioner can be released on bail subject to strict conditions to ensure that he does not repeat any offence in future, since he has already been in custody for 107 days. In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

(a) The petitioner shall execute bond for a sum of Rs.50,000/-

(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court; ..4.. (b)Petitioner shall appear before the investigating officer in Thaliparamba, Kannur District, every Saturday at 11.00 am till completion of trial in the Sessions Case relating to

(c) The petitioner shall not attempt to influence or intimidate any witness in Crime No. 34 of 2021 of Excise Range Office,

(d)The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions is violated, the investigating officer in Crime No. 34 of 2021 of Excise Range Office, Thaliparamba, Kannur District, may file an application before the jurisdictional court for cancellation of bail. Sd/- GOPINATH P. JUDGE  
bka/03.02.2022