

Sanoop vs State of Kerala

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Court : Kerala

Decided On : Feb-04-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./507/2022

Appellant : Sanoop

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 4TH DAY OF FEBRUARY 2022 / 15TH MAGHA, 1943 BAIL APPL.
NO. 507 OF 2022 CRIME NO.929/2021 OF Cheranelloor Police Station,
Ernakulam PETITIONER/ACCUSED No.1: SANOOP S/O NARAYANAN,
AGED 25/21 YEARS, NOVOKODI HOUSE, CHENTHRAPINNI,
KOTTOOR, THRISSUR-PIN - 680013. BY ADV ANITHA MATHAI
MUTHIRENTHY RESPONDENT/COMPLAINANT: STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA - 682031. BY ADV. SRI. T.R. RENJITH, SR. P.P. THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 04.02.2022,
ALONG WITH Bail Appl..262/2022, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: B.A. Nos.507 & 262/2022 -2-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 4TH DAY OF FEBRUARY 2022 / 15TH MAGHA, 1943 BAIL APPL.
NO. 262 OF 2022 CRIME NO.929/2021 OF Cheranelloor Police Station,
Ernakulam PETITIONER/ACCUSED No.7: AJMAL.C.A AGED 24
YEARS, S-O. ABDHUL RASHEED, CHERUVATTATH HOUSE,
KAIPPAMANGALAM POST, THRISSUR,PIN - 680681 BY ADV
V.S.MANSOOR RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 BY ADV. SRI. T.R. RENJITH, SR.
P.P. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04.02.2022, ALONG WITH Bail Appl..507/2022, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: B.A. Nos.507 &
262/2022 -3-

ORDER

[Bail Appl. Nos.507/2022 & 262/2022] The petitioners in these cases are accused Nos. 1 & 7 in Crime No.929/2021 of Cheranelloor Police Station, Ernakulam District alleging commission of offences under Sections 22 (b) & 29 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'the NDPS Act' for short). B.A. No.507/2022 is filed by the 1st accused while B.A. No.262/2022 is filed by the 7th accused.

2. The allegation against the petitioners is in the following manner.

Accused Nos.5 & 6 are alleged to have procured the drug from Himachal Pradesh. Thereafter the 1st accused is alleged to have sent the drugs by courier to Cochin and also forwarded the tracking I.D to accused No.2. Accused No.2 in turn forwarded the same to accused No.3 and accused No.3 along with accused No.4 went to the parcel office and collected the same. The courier was addressed to the 7 th accused and therefore he was also arrayed as an accused in the matter.

3. The learned counsel appearing for the petitioners in these cases would

vehemently contend that the petitioners are absolutely innocent in the matter. It is submitted that as far as the 1st petitioner is concerned he had forwarded courier tracking details to the 2nd accused without knowing what was in the parcel. It is submitted that in so far as the 7th accused is concerned the only allegation is that the parcel was addressed to the 7th accused. It is submitted that there is no recovery from either of the petitioners. It is submitted that this court had granted bail to the 4th accused in the case through order dated 15-12-2021 in B.A. No.9412/2021. It is submitted that the drug in question is in intermediary quantity and the provisions

B.A. Nos.507 & 262/2022 -4- of Section 37 are not attracted. It is submitted that the 1st accused has been in custody from 14-12-2021 and the 7th petitioner has been in custody from 19-12-2021. It is submitted that the continued detention of the petitioners is not required for the purposes of any investigation.

4. The learned Public Prosecutor vehemently opposes the grant of bail.

It is submitted that the fact that Section 37 of the NDPS Act does not apply is no reason to hold that the petitioners are entitled to be released on bail. Though the drug in question is an intermediate quantity, the allegations against the petitioners are serious. It is submitted that the investigation conducted thus far shows the active role of the petitioners in the procurement and transmission of drugs from Himachal Pradesh to Kerala. It is submitted that the grant of bail may not be conducive as there is every chance of the offence being repeated.

5. Having regard to the facts and circumstances of the case and

considering the fact that the continued detention of the petitioners is not necessary for the purposes of any investigation and considering the fact that provisions of Section 37 are not attracted, I am of the view that the petitioners can be granted bail subject to strict conditions. In the result this bail application is allowed. It is directed that the petitioners shall be released on bail, subject to the following conditions:-

(i) The petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court; B.A. Nos.507 & 262/2022 -5-

(ii) The Petitioners shall report before the Investigating officer in Crime No.929/2021 of Cheranelloor Police Station on every Saturday at 11 a.m until further orders;

(iii) The petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.929/2021 of Cheranelloor Police Station;

(iv) The petitioners shall surrender their passports before the jurisdictional

Court. If the petitioners do not have passports, they shall execute an affidavit to that effect and file the same before the jurisdictional court within seven days of release on bail;

(v) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.929/2021 of Cheranelloor Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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