

Clint vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./545/2022

Appellant : CLINT

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
PETITIONER: CLINT AGED 24 YEARS SON OF SRI XAVIER,
PATHRAKKADAYIL HOUSE, PATTIKKAD P O, PANANCHERY,
THRISSUR, PIN - 686052 PREEJA V.P. V.P.PRASANTH GEORGE
BRISTON RESPONDENT: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN
- 682031 PUBLIC PROSECUTOR ADDL.DIRECTOR GENERAL OF
PROSECUTION SRI. C.K. SURESH (SR.PP) THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: GOPINATH.P, J

Dated this the 31st day of January, 2022

ORDER

Petitioner is the 2nd accused in Crime No.1580/2021 of the Angamaly Police Station, Ernakulam district alleging commission of offences under Sections 20(b), 8(c) and 27(A) and 29 of NDPS Act.

2. The allegation is that, the first accused in the case was

transporting certain quantity of contraband in a bus traveling from Bangalore to Alwaye, the bus was intercepted at Angamaly and certain quantity of contraband was recovered from first accused. It is alleged that the petitioner/second accused was waiting to receive the first accused at Alwaye and that the money

for purchase of contraband was provided by the petitioner/second accused. It is submitted that the entire aspect including procurement and payment were initiated at the instance of the petitioner/second accused. It is also alleged that following the arrest of the petitioner/second accused, on the basis of information given by him, certain quantity of contraband was also recovered from his house and in respect of which separate crime has been registered by the Peechy Police

against the petitioner/second accused. Though the learned counsel for the petitioner vehemently submits that there has been no recovery of contraband from the petitioner/second accused, the facts appear to be otherwise. That apart, it is the allegation of the prosecution that the petitioner used to finance the purchase of contraband by the first accused and it was on his instructions that the first accused had transported contraband from Bangalore to Alwaye.

Having regard to the the fact and circumstances of the case, I am not inclined to grant bail to the petitioner. In the result application fails and dismissed. Sd/-
GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 545/2022 PETITIONER
ANNEXURES Annexure1 TRUE COPY OF THE FIR NO: 1580 DATED
21.12.2021 REGISTERED BY ANGAMALY POLICE Annexure2 TRUE COPY OF
THE NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY DATED

22.12.2021 Annexure3 ORIGINAL COPY OF THE ORDER DATED 10.01.2022 IN
BAIL APPLICATION CRMC NO: 5 OF 2022 OF II ADDITIONAL SESSIONS
COURT, ERNAKULAM

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