

Sameer vs State of Kerala

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Court : Kerala

Decided On : Feb-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./669/2022

Appellant : Sameer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943
BAIL APPL. NO. 669 OF 2022 CRIME NO.25/2021 OF Kozhikode
Excise Range Office, Kozhikode PETITIONER/ACCUSED NO.2:
SAMEER AGED 44 YEARS SAMEER SON OF. MAHAMOOD, AGED 44
YEARS, ASARI VALAPPIL HOUSE, PAYYOLI P.O. MELADI AMSOM
DESOM, KOZHIKODE KOZHIKODE, PIN - 673522 BY ADV SHANID P.
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM,
PIN - 682031 BY ADV.M.C. ASHI, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.02.2022, ALONG WITH Bail Appl..803/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Bail Appl. Nos.669 and 803 of 2022 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943 BAIL APPL. NO. 803 OF 2022 CRIME NO.25/2021 OF Kozhikode Excise Range Office, Kozhikode PETITIONER/ACCUSED: SAKESH K M AGED 31 YEARS SHAKHESH.K,.M SON OF RAGHAVAN.K.M, AGED 31 YEARS KARAYATTU MEETHAL HOUSE CHELANNUR AMSOM, EDAKKARA DESOM , KOZHIKODE DISTRICT KOZHIKODE, PIN - 673616 BY ADV K.LASITHA RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 KOZHIKODE EXCISE RANGE CIRCLE INSPECTOR KOZHIKODE EXCISE RANGE KOZHIKODE KOZHIKODE, PIN - 673004 BY ADV.M.C.ASHI, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.02.2022, ALONG WITH Bail Appl..669/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Bail Appl. Nos.669 and 803 of 2022 3

ORDER

[Bail Appl. Nos.669/2022, 803/2022] These applications are for regular bail.

2. Petitioners are the accused in Crime No.25/2021 of

Kozhikode Excise Range Office, alleging commission of offence under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Petitioner in Bail application No.803/2022 is the 1st accused and the petitioner in Bail application No.669/2022 is the 2nd accused.

3. Allegation against the petitioners is that the

petitioners were found in possession of a total quantity of 0.820mg of MDMA. While some quantity of the drugs were seized from the body of the petitioners in these applications, another quantity was seized from the dashboard of their car.

4. Learned counsel appearing for the petitioners in these

cases would submit that the petitioners are absolutely innocent in the matter. It is submitted that the petitioners have no criminal antecedents. It is submitted that the petitioners have been falsely implicated in the case. It is submitted that the petitioners have been in custody from 18.12.2021 and their continued detention is not necessary for the purpose of any Bail Appl. Nos.669 and 803 of 2022 4 investigation.

5. Learned Public Prosecutor opposes the grant of bail.

It is submitted that if the petitioners are released on bail, there is every chance of the offences being repeated. It is submitted that in cases involving offences under the NDPS Act, bail should not be lightly granted.

6. Having regard to the facts and circumstances of the

case and considering the fact that the petitioners have been in custody from 18.12.2021 and considering the quantity of the contraband recovered from them, I am of the opinion that the petitioners can be granted bail subject to conditions as their continued detention is not necessary for the purpose of any investigation. Accordingly, this application for bail is allowed and 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) each with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioners shall appear before the investigating officer in Crime No. 25/2021 of Kozhikode Excise Range Office on every Saturday at 11 am until further orders; Bail Appl. Nos.669 and 803 of 2022 5

(iii) The petitioners shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.25/2021 of Kozhikode Excise Range Office ;

(iv) 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.25/2021 of Kozhikode Excise Range Office may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE
ajt

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