

Arun Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./761/2022

Appellant : Arun Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943
BAIL APPL. NO. 761 OF 2022 CRIME NO.1032/2020 OF CHALAKUDY
POLICE STATION PETITIONER/ACCUSED: ARUN KUMAR AGED 34
YEARS KONNAYIL THEKKETHIL VEEDU, SAKTHIKULANGARA
DESOM, SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT
KOLLAM, PIN - 691581 BY ADVS. PRATHEESH.P T.S.SREEKUTTY
ANJANA KANNATH RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER
CHALAKKUDY POLICE STATION, THRISSUR THRISSUR, PIN -

680307 BY ADV PUBLIC PROSECUTOR ADV M.C. ASHI-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 761 OF 2022 2

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime No.1032/2020

of Chalakudy police station, alleging commission of offence under Section 22(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the NDPS Act) which is now pending as S.C. No.3/2021 on the file of the 1 st Additional Sessions Court, Thrissur.

3. Allegation against the petitioner is that on

12.08.2020, the petitioner was found transporting 138.350 kgs of ganga in a container lorry, which was intercepted by the police at Chalakudy court junction. The petitioner has been in custody from 12.08.2020.

4. Learned counsel appearing for the petitioner would

submit that considering the long incarceration of the petitioner and considering the fact that the final report has already been filed in the matter, the petitioner may be released on bail. It is submitted that the mandatory procedures under the provisions of the NDPS Act have been violated in the matter of seizure and therefore, there is every chance that the petitioner may be acquitted by the trial court.

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5. Learned Public Prosecutor vehemently opposes the

grant of bail. It is pointed out that going by the provisions of Section 37 of the NDPS Act unless this Court is satisfied that there is reasonable grounds to believe that the petitioner is not guilty of the offence and unless this Court is satisfied that the petitioner will not indulge in similar offences in future, the petitioner is not entitled to be released on bail.

6. I have no reason to come to a conclusion that there

are reasonable grounds to believe that the petitioner is not guilty of the offences alleged against him. Further, I have no reason to hold that it is unlikely that the petitioner will indulge in similar offences in future, if he is released on bail. In the result, the Bail Application fails and will stand dismissed. sd/- GOPINATH P. JUDGE

ajt

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