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Pramod vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1508181

Court : Kerala

Decided On : Oct-28-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./5986/2022

Appellant : Pramod

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM FRIDAY, THE 28TH DAY OF OCTOBER 2022 / 6TH KARTHIKA, 1944 BAIL APPL. NO. 5986 OF 2022 PETITIONER/ACCUSED: PRAMOD AGED 31 YEARS KOZHITHARA HOUSE,ELAMKUNNAPUZHA,NJRACKAL,ERNAKULAM, PIN - BY ADV K.SIMOD SIVAN RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 2 EXCISE INSPECTOR EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD ,PALAKKAD, PIN - 678001 BY ADVS. PUBLIC PROSECUTOR ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11) OTHER PRESENT: SR.PP - SRI.

C.K.SURESH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No. 5986 of 2022 2

VIJU ABRAHAM, J.

---------- B.A. No. 5986 of 2022 ---------- Dated this the 28th day of October, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the sole accused in Crime No.1 of 2022 of Excise Enforcement and Anti Narcotic Special Squad, Palakkad now pending as SC No.471 of 2022 before the Sessions Court-IV, Palakkad, registered alleging commission of offence punishable under Section 20(b)(ii) (C)of NDPS Act.

3. The prosecution allegation is that, on 11.01.2022 at 3.00 p.m., the accused was found transporting 11.300

kilograms of Hashish Oil in a KSRTC stag

committed the above said offence.

4. Petitioner submits that he was arrested on 11.01.2022 and is in custody since then. Though he moved an application for bail before the Sessions Court, the same was rejected as per Annexure-A2. B.A. No. 5986 of 2022 3

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. Learned Public Prosecutor seriously opposed the application for bail mainly contending that the contraband involved is 11.300 kilograms of hashish oil and it was seized from the possession of the petitioner. Considering the facts and circumstances of the case

and the nature of the allegations, and the contraband involved is a commercial quantity whereby the rigour of Section 37 of the NDPS Act will come into play, I am not inclined to grant bail to the petitioner. Considering the fact that the case is pending before the trial court, there will be a direction to the trial court to expedite the trial of the case and to finalise the same without much delay. Accordingly, the bail application is dismissed. sd/- VIJU ABRAHAM, JUDGE pm

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