

Abid vs State of Kerala

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Court : Kerala

Decided On : Oct-28-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./7440/2022

Appellant : ABID

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. 7440 OF 2022 AGAINST THE ORDER/JUDGMENTSC
1150/2021 OF ADDITIONAL DISTRICT COURT & SESSIONS COURT -
VIII, ERNAKULAM / IV ADDITIONAL MACT, ERNAKULAM CRIME
NO.853/2021 OF ANGAMALY POLICESTATION
PETITIONER/ACCUSED NO.1: ABID,S/O. USMAN, AGED 33 YEARS,
C.K.HOUSE, MANNAM JUNCTION, BEHIND INDIAN OIL PUMP,
THALIPARAMBA, KANNUR, PIN - 670142 BY ADVS. R.ANIL B.RAMAN
PILLAI (SR.) M.SUNILKUMAR SUJESH MENON V.B. THOMAS
ABRAHAM (NILACKAPPILLIL) THOMAS SABU VADAKEKUT MAHESH
BHANU S. RESSIL LONAN

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031
OTHER PRESENT: PP - NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.7440 of 2022 2

VIJU ABRAHAM, J.

B.A.No.7440 of 2022 Dated this the 28th day of October, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime No.853 of 2021 of

Angamaly Police Station registered alleging commission of offences punishable under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, NDPS Act).

3. The prosecution case is that on 05.06.2021 at about 7.15

p.m. when the police party led by the Sub Inspector of Police attached to the Angamaly Police Station conducted vehicle inspection, the petitioners were found transporting 2.018 kgs of MDMA for sale and thus the accused have committed the abovesaid offences.

4. Petitioner submits that he is in custody from 05.06.2021 onwards and that even though the contraband seized was alleged to be MDMA, in the chemical examination it was found as methamphetamine hydrochloride.

5. Learned Public Prosecutor seriously opposed the

application for bail mainly contending that large quantity of contraband is involved in the case. BA No.7440 of 2022 3 Since the contraband article being of commercial quantity, the rigor of Section 37 of the NDPS Act will come to play. No substantial contentions have been raised by the petitioner to get over the rigor of

the said Section. Long period of custody cannot be a reason for granting bail. I am of the opinion that the petitioner is not successful in establishing that his case will not come under the rigor of the twin conditions mentioned in Section 37 of the NDPS Act. In view of the same, I am not inclined to grant bail to the petitioner at this stage. Accordingly, the bail application is dismissed. Sd/- VIJU ABRAHAM
JUDGE cks

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