

Jihad.B vs State of Kerala

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Court : Kerala Orders

Decided On : Nov-28-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./7841/2022

Appellant : Jihad.B

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA,
1944 BAIL APPL. NO. 7841 OF 2022 AGAINST THE
ORDER/JUDGMENTCRMC 1783/2022 OF DISTRICT COURT &
SESSIONS COURT,KOLLAM

PETITIONER/ACCUSED NO.2: JIHAD.B AGED 32 YEARS AMINA
MANZIL, SANTHI NAGAR-05, AYATHIL PO, PATTATHANAM,
KOLLAM., PIN - 691021 BY ADVS. C.R.JAYAKUMAR NOBEL RAJU
RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER
KILIKOLLOOR STATION, KOLLAM., PIN - 691004 BY SRI.M.C.ASHI
(PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28.11.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: Bail Appln. No. 7841 of 2022 2

VIJU ABRAHAM , J.

===== Bail Appln. No. 7841 of 2022
===== Dated this the 28th day of
November, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 2nd accused in Crime No. 677/2022 of

Kilikolloor Police Station, Kollam District alleging commission of offences punishable under Sections 22(b), 20(b)IIA, 25 and 29 of Narcotic Drugs and Pshychotropic Substances Act, 1985.

3. The prosecution allegation is that, on 9/7/2022 at about

12 noon; acting on a tip-off when the Sub Inspector of Police, Kilikolloor Police Station reached at the residential premises of 1 st accused situated at Randamkutty, 1st accused was found in possession of 4.75 grams of MDMA and 2.870 grams of ganja and an amount of 99,000/- which was the sale proceeds of narcotic drugs and psychotropic substance was also seized from the accused. Electronic weighing machine and packing materials were seized from the Honda City Car bearing Reg. No. KL-02/AW- 5946 parked in the premises. According to the prosecution; on interrogation of 1st accused, it was revealed that it was the petitioner who had entrusted the contraband to the 1 st accused

Bail Appln. No. 7841 of 2022 3 for the purpose of sale and thereby the accused have committed the alleged offences.

4. The petitioner submitted that he has been falsely implicated in the above said crime. The petitioner is a business man and is one of the directors of M/s Inoki Ventures Pvt Ltd,

Ernakulam which is engaged in IT related business. To substantiate the same, petitioner has produced Annexure A2 Certificate of Incorporation issued by the Ministry of Corporate Affairs. Although the petitioner moved an application for anticipatory bail before the Sessions Court, the same was rejected by Annexure A4.

5. The learned Public Prosecutor seriously opposed the

application for bail mainly contending huge quantity of synthetic drug is involved and when the 1st accused was interrogated, he gave a statement that the narcotic drug was sold to him by the petitioner herein. When the mobile phone of the 1st accused was examined, constant contact was revealed between the 1st accused and the petitioner herein. The learned Public Prosecutor further submitted that petitioner is involved in two other cases of a similar nature.

6. Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. It is for the petitioner to surrender and seek for bail. Bail Appln. No. 7841 of 2022 4 Therefore the above bail application is dismissed.

Accordingly the petitioner shall surrender before the investigating officer in Crime No. 677/2022 of Kilikolloor Police Station and subject himself for interrogation. In the event of arrest of the petitioner in Crime No. 677/2022 of Kilikolloor Police Station, he shall be produced before the Jurisdictional Magistrate on the very same day. If an application is moved with prior notice to the learned Public Prosecutor, the same shall be considered and disposed by the Jurisdictional Magistrate preferably on the same day.

Sd/- VIJU ABRAHAM JUDGE sbk/-

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