SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Abdul Khader vs State of Kerala

Abdul Khader vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1554039

Court : Kerala Orders

Decided On : Apr-19-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./9376/2021

Appellant : Abdul Khader

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944 BAIL APPL. NO. 9376 OF 2021 CRIME NO.13/2021 OF EXCISE RANGE OFFICE, PARAPPANANAGADI APPLICANTS/ACCUSED: 1 ABDUL KHADER AGED 43 YEARS S/O MAMMED, MANNANKANDI HOUSE, PERUMUGHAM, FAROKE, KOZHIKODE-673 631 2 HASSANKUTTY V.P, AGED 42 YEARS S/O UASLAN V.P, PALASSERI HOUSE, CHELEMBRA, THIRURANGADI, MALAPPURAM-676 306. BY ADVS. P.M.RAFIQ M.REVIKRISHNAN AJEESH K.SASI MITHA SUDHINDRAN POOJA PANKAJ SRUTHY N. BHAT RAHUL SUNIL VEENA HARI P.VIJAYA BHANU (SR.) RESPONDENT/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 BY ADV.SMT. SEETHA S., SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 19th day of April, 2022 This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioners are the accused in Crime No.13/2021 of Parappanangadi Excise Range Office. The offences alleged are under Section 20(b)(ii)(c) and Section 29 of the NDPS Act.

3. The prosecution case in short is that on

19.04.2021 at about 2 pm the petitioners were found in possession and transporting 173.632 Kg of Ganga in a car bearing registration No. KL 11 AA 8633 in contravention of NDPS Act and thereby committed offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners

submitted that the petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioners and if the petitioners are released on bail at this stage, it would affect the course of investigation.

6. The petitioners were arrested on 19.04.2021.

Since then they are under judicial custody. The case diary reveals that prima facie there are materials on record to show the involvement of petitioners in the crime. The quantity involved is commercial quantity. Since quantity involved is commercial quantity, the jurisdiction of this court to grant bail is circumscribed by provision of Section 37 of NDPS Act. The bail can be granted only in a case where there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

7. Having considered the submission of the learned Counsel for the petitioners as well as the learned Public Prosecutor and after having gone through the materials on record, I am afraid that there are no substantial or probable cause for believing that the accused is not guilty of the offences charged.

8. Considering the gravity of the offences and circumstances mentioned above, I am of the view that the petitioners cannot be enlarged on bail at this stage. The application is liable to be dismissed.

9. The learned Counsel for the petitioners

submitted that there may be a direction to the trial court to expedite the trial. The trial court is directed to dispose the case as early as possible. In the result, the bail application is dismissed. Sd/- DR. KAUSER EDAPPAGATH JUDGE SKP/19.04

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com