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Nasil vs State of Kerala

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Court : Kerala

Decided On : Jan-29-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./759/2021

Appellant : NASIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942 Bail Appl..No.759 OF 2021 CRIME NO.786/2020 OF Kondotty Police Station , Malappuram PETITIONER/S: NASIL AGED 38 YEARS SON OF MUHAMMEDKOYA, KALLIYIL HOUSE, THENHIPPALAM POST, NEEROLPPALAM, MALAPPURAM DISTRICT BY ADV. SRI.K.RAKESH RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA 2 THE STATION HOUSE OFFICER KONDOTTY POLICE STATION, MALAPPURAM DISTRICT. R1 BY PUBLIC PROSECUTOR

OTHER PRESENT: SRI.SANTHOSH PETER SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.01.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.759 OF 2021 2

O R D E R

Dated this the 29th day of January 2021 Application for regular bail under Section 439 of Cr.P.C. The applicant is 1st accused in Crime No.786/2020 of Kondotty Police Station, for having committed offences punishable under Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act.

2. The prosecution case, in brief, is that the applicant and

the 2nd accused were travelling on a motor cycle bearing registration No. KL 55 G 6875 and on 23.12.2020 they were intercepted by the police and on inspection 5.82 gms of brown sugar was recovered from them. They were arrested and remanded to judicial custody on the next day.

3. The applicant states that he is innocent and the allegations are not true. He has no criminal antecedents. He has been in custody since 23.12.2020, therefore seeks regular bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor admits that the applicant

Bail Appl..No.759 OF 2021 3 has no criminal antecedent and the quantity involved is not commercial and therefore the embargo under Section 37 of the NDPS Act is also not attracted. Hence, the Bail Application is allowed and the applicant is directed to be released on bail on execution of bond for Rs.1,00,000/-(Rupees one lakh only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall not get involved in similar cases during the currency of the bail.

(ii) He shall appear before the investigating officer as and when called for.

(iii) He shall not tamper with evidence, intimidate or influence the witnesses .

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court. Sd/- ASHOK MENON JUDGE rmm

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