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Abdul Hakeem vs State of Kerala

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Court : Kerala

Decided On : Mar-30-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./2852/2021

Appellant : Abdul Hakeem

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943 Bail Appl..No.2852 OF 2021 CRIME NO.130/2021 OF Tirur Police Station , Malappuram PETITIONER/S: ABDUL HAKEEM AGED 44 YEARS SON OF KUNHI BAVA, THAYATTIL HOUSE, MUTTANNUR, PURATHUR, TIRUR BY ADVS. SRI.BINU V V VEETTIL VALAPPIL SRI.S.K.PREMJITH MENON RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA OTHER PRESENT: SMT.V.SREEJA-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of March 2021 This is an application seeking regular bail under Section 439 Cr.PC.

2. The applicant is the sole accused in Crime

No.130/2021 of Tirur Police Station for having allegedly committed an offence punishable under Section 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances Act.

3. The prosecution case, in brief, is that on 20.2.2021

at about 5.30 p.m., the applicant was intercepted by the aforesaid Police and recovered a total quantity of 20.02 Kgs of Ganja from the scooter bearing reg. No.KL 55 AB 5682 on which he was travelling. The applicant was arrested on 20.2.2021 and remanded to judicial custody and continues to be in custody. The applicant states that he has no criminal antecedents and that the allegations are false and unsustainable and therefore seeks bail.

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

5. The learned Public Prosecutor admits that the

applicant has no criminal antecedents. Considering the fact that the quantity involved is only intermediary, the rigour under Section 37 of the NDPS Act is not attracted. In the result, the Bail Application is allowed and the applicant is directed to be released on bail on execution of a 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 the following conditions:

(i) He shall appear before the investigating officer on all Saturdays between 9 a.m. and 12 noon for a period of two months or till the filing of the final report, whichever is earlier.

(ii) He shall not attempt to influence or intimidate the witnesses or tamper with evidence.

(iii) He shall not get involved in similar offences during

the currency of the bail. In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/- ASHOK MENON JUDGE jg

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