

Sajith vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3217/2021

Appellant : Sajith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 Bail
Appl..No.3217 OF 2021 CRIME NO.14/2021 OF NARCOTICS
ENFORCEMENT SQUAD, ADIMALI , Idukki PETITIONERS/ACCUSED:
1 SAJITH AGED 25 YEARS VALASSERRY HOUSE, KOMALAPURAM
VILLAGE, ALAPPUZHA , PIN- 688521 2 SREEKANTH AGED 32
YEARS S/O JAYADEVAN, SREERANGAM HOUSE, CHENGAMANADU
VILLAGE, CHENGAMANADU P O, ERNAKULAM DISTRICT PIN-
683578 3 MUHAMMED SHADUL AGED 22 YEARS S/O MUHAMMED
BASHEER, KALARICKAL HOUSE, KOMALAPURAM VILLAGE,
KOMALAPURAM P O, ALAPPUZHA DISTRICT PIN-688521 BY ADV.

SRI.KARTHIK S. ACHARYA RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM,PIN-682031 R1 BY PUBLIC PROSECUTOR SREEJA V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021 This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioners are the accused Nos.1 to 3 in Crime No.14/2021 of Narcotics Enforcement Squad, Adimali. The offences alleged are under Sections 22 (a), 22(C), 29 and 20(b)II(A) of N.D.P.S. Act 1985.

3. The prosecution case in short is that on 03.03.2021 at 7.30

PM at a place near Kovillor-Pazhamthottam public road at Devikulam Taluk, the petitioners were found in possession of 10 gm of dried ganja, 0.150 gms of MDMA, 0.046 gms of LSD and 3.390 gms of hashish oil in violation of the NDPS Act and Rules and thereby committed the 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 3.3.2021 and since then

they are in judicial custody. Out of the different contraband articles seized, except 0.046 gms of LSD, all others are small quantity. LSD also is inter-mediary quantity. No commercial quantity is involved and hence Section 22 (c) will not apply. The petitioners have no criminal antecedents. The investigation is almost over. Considering all these

facts and circumstances, I am of the view that further detention of the

petitioners is not necessary and they can be released on bail. In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail on executing a bond for Rs. 1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioners shall fully co-operate with the investigation.

(iii) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioners shall also appear before the investigating officer as and when required by him.

(iv) The petitioners shall not commit any offence of like nature while on bail.

(v) The petitioners shall not make any attempt to contact any

of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioners shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH JUDGE AI/-

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