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Anwar vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-11-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5567/2021

Appellant : ANWAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL WEDNESDAY, THE 11TH DAY OF AUGUST 2021 / 20TH SRAVANA, 1943 BAIL APPL. NO. 5567 OF 2021 CRIME NO.65/2018 OF Kollam E.E & A.N.S.S., Kollam PETITIONER/2ND ACCUSED: ANWAR AGED 24 YEARS S/O.ANSARI, KOTTAYI VEETTIL, THAZHUTHALACHERRY, ADICHANALLOOR VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT - 691 571. BY ADVS. M.KIRANLAL MANU RAMACHANDRAN T.S.SARATH R.RAJESH (VARKALA) SAMEER M NAIR RESPONDENTS/COMPLAINANT/STATE: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM DISTRICT - 682 031. 2 THE ASSISTANT

EXCISE COMMISSIONER KOLLAM DISTRICT - 691 008. BY ADV.SRI.PRASANTH M.P., PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

O R D E R

This is an application filed under Section 438 of the Cr.P.C. by the second accused in crime No.65/2018 of Excise Enforcement and Anti-Narcotic Special Squad, Kollam, which was registered alleging offence under Section 20(b)(ii)(B) of the NDPS Act.

2. It is alleged that when the Excise

officials searched the house of the petitioner, 220gms of hashish oil was found inside the house. The first accused, who was the father, was arrested and later released on bail. The petitioner is the second accused. Now he seeks anticipatory bail under Section 438 of the Cr.P.C.

3. I heard counsel on both sides.

4. It has come out that on conclusion of

investigation, charge sheet has already been laid before the Special Court and it has been taken on -3- file as S.C.810/2020. Therefore, normally his custodial interrogation will not serve any purpose. It is open to the petitioner to surrender before the trial court and seek release on bail. I am sure that when such an application is filed, learned Special Judge shall consider and dispose of the application on the same day itself. The application is closed. Sd/- K.HARIPAL JUDGE nkr/11.08.2021

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