

Shameel vs State of Kerala

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Court : Kerala

Decided On : Mar-23-2020

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./1831/2020

Appellant : Shameel

Respondent : State of Kerala

Judgement :

B.A.No.1831 of 2020 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. MONDAY,
THE 23RD DAY OF MARCH 2020 / 3RD CHAITHRA, 1942 Bail
Appl..No.1831 OF 2020 CRIME NO.06/2020 OF EXCISE
ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD, , Palakkad
PETITIONER/ACCUSED: 1 SHAMEEL S/O.MUHAMMED, KARIKAD,
THALAPPILLY, THRISUSR. 2 RAGESH, S/O.KUNJHUMON,
THANISSERY, PERUMPILAVU, THRISSUR. BY ADVS.
SRI.P.K.VARGHESE SRI.P.S.ANISHAD

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031. OTHER PRESENT: SR PP CN PRABHAKARAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.03.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: B.A.No.1831 of 2020 2

ORDER

This application is for regular bail under Section 439 of the Code of Criminal Procedure.

2. The petitioners are accused in Crime No.6 of 2020

of Excise Enforcement and Anti Narcotic Special Squad, Palakkad registered for the offences punishable under Sections 20(b)(ii) B and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

3. The petitioners have been in custody since 22.1.2020.

4. The prosecution allegation is that on 22.1.2020 the

petitioners were found in possession of 15 kgs of ganja near Foot over bridge in between platform Nos.2 and 3 in Palakkad Junction Railway Station, in contravention of the provisions of the NDPS Act and thereby committed the aforesaid offences.

5. Heard both sides.

6. The learned counsel for the petitioners submitted that they are totally innocent of the allegations levelled against them and they are in custody for the last more than two months. B.A.No.1831 of 2020 3

7. The learned public prosecutor submitted that the investigation of the case is going on. But it has not been completed so far.

8. On hearing the submission of the learned counsel for

the petitioners it is revealed that in the year 2018 one NDPS case was registered against the first petitioner. Subsequently that case was quashed by this Court. He is having some other cases, but not involved in any other NDPS offences. But the second petitioner has no criminal antecedents.

9. Considering the period of detention undergone by

these petitioners in judicial custody and the fact that investigation of the case is nearing completion, I am inclined to allow this petition subject to the following conditions:

(i) The petitioners shall be released on bail on executing

bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) They shall appear before the Investigating Officer for interrogation as and when required by him in writing.

(iii) They shall not directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. B.A.No.1831 of 2020 4

(iv) They shall not commit any offence while on bail. In case of violation of any of the above conditions, the learned Judge is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE smm

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