

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF DECEMBER 2013/3RD POUSHA, 1935

Bail Appl..No. 8621 of 2013 ()

AGAINST THE ORDER IN CRMP 494/2013 of SPL. COURT (NDPS ACT CASES),
VADAKARA DATED 04-12-2013
CRIME NO. 3/2013 OF VADAKARA EXCISE RANGE OFFICE , KOZHIKODE

PETITIONER/ACCUSED:

P.P. RAHEEM,
S/O.ABOOBACKER, PUTHEN PURAYIL HOUSE
MUZHIPPILANGAD P.O., KANNUR DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE:

1. CIRCLE INSPECTOR OF EXCISE,
VATAKARA - 673 101.
2. STATE OF KERALA,
REP; BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

.....
B.A. No.8621 of 2013
.....

Dated this the 24th day of December, 2013

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.3/2013 of Vatakara Excise Range registered for the offence punishable under Section 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner is that on 19.10.2013 he was found transporting 32 grams of opium and he was caught red handed by the Excise Inspector, Vatakara.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. The learned counsel for the petitioner has pointed out that the quantity of opium involved can only be categorised as intermediate quantity and, therefore, at the most, it may constitute an offence under

Section 18(c) of the NDPS Act. Matters being so, the limitations contained under Section 37(1)(b)(ii) of the NDPS Act are not applicable to the facts and circumstances of the present case.

5. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of the case, the intermediate quantity of the contraband, and having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and

Fridays, commencing from 31.12.2013 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/24/12

*// True Copy //*

*PA to Judge*