

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 181 of 2015 ()

CR.NO. 2/2014 OF EXCISE CIRCLE OFFICE , KOTTARAKKARA

PETITIONER/ACCUSED NO.1:

**BIJU,
AGED 29 YEARS, S/O.DANIEL
MARY BHAVANAM, UMMANNOOR VILLAGE
VILANGARA, CHENKOTTUKONAM MURI,
KOTTARAKKARA TALUK.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.181 of 2015
.....

Dated this the 2nd day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in C.R. No.2/2014 of Excise Circle Office, Kottarakkara registered for the offence punishable under Section 20(b) (ii) B of the NDPS Act.

3. The allegation against the petitioner is that on 04.12.2014 at 2.18 p.m., he was found transporting 3.7 Kgs of ganja in contravention of the provisions of the NDPS Act, by motor cycle bearing registration No.KL-25A-6221. The petitioner has been in custody for the period from 04.12.2014 onwards.

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

5. The learned Public Prosecutor has pointed out that the petitioner is an accused in seven other crimes

relating to abkari offences. Even though the petitioner has been in custody for the period from 04.12.2014 onwards, it seems that the investigating officer has failed to complete the investigation and to file the final report. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

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 concerned 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 Mondays and Thursdays, commencing from 09.02.2015 for a period of six months.*

*(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/02/02

*// True Copy //*

*PA to Judge*