

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 421 of 2015

CRIME NO. 1/2014 OF BALUSSERY EXCISE RANGE OFFICE, CALICUT DISTRICT

PETITIONER(S)/ACCUSED :

**SHIHAB.N.M, AGED 28 YEARS,
S/O.MUHAMEDALI, NELLIMATATHIL HOUSE,
PINDIMANA VILLAGE, KOTHAMANKALAM TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.A.ISMAIL

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY INSPECTOR OF EXCISE RANGE OFFICE,
BALUSSERY THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.421 of 2015
.....

Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in NDPS Crime No.1/2014 of the Balussery Excise Range, Calicut registered for the offences punishable under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act,1985.

3. This is a case wherein a quantity of 949 gms of Heroine was seized. The investigation reveals that it was the petitioner who was instrumental in transporting that much quantity of heroine from Vythiri in Wayanad District to

Kothamangalam. It has come out that the funds for procuring the amount had come from abroad and the money was handed over to the petitioner by the Muthoot Fin. Corp. Kottappuram Branch. The petitioner has been in custody for the period from 26.06.2014 onwards.

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

5. Even though the learned counsel for the petitioner argued that the petitioner was unaware of the contents of the packet which was carried by him from Vythiry to Kothamangalam, the investigation has revealed that he knew that it was a contraband article. Another accused is also involved in the transaction and he is yet to be identified and arrested. The investigation has a long way to go. The allegations against the petitioner are very grave and serious. This is a case wherein a huge quantity of manufactured drug, which comes to commercial quantity, is involved. Considering all the above, I am of the view that the

B.A.No. 421 of 2015

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petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge