

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 529 of 2015 ()

CRIME NO. 134/2014 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONERS/ACCUSED :

- 1. ANWAR SADATH M.P., AGED 21 YEARS
S/O. LATE ISMAYIL, M.P. HOUSE, MANIKKATHAZHATH PARAMB
PAYYANAKKAL, KALLAI P.O., KOZHIKODE DISTRICT.**
- 2. MUHAMMED RAMSHEED, AGED 21 YEARS,
S/O. RAZAK, SOORATH HOUSE, KANNANCHERY
KALLAI P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI. P.V. KUNHIKRISHNAN

RESPONDENTS/COMPLAINANT & STATE :

- 1. SUB INSPECTOR OF POLICE
NALLALAM POLICE STATION,
KOZHIKODE-673 562.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.529 2015
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Dated this the 10th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.134/2014 of Nallalam Police Station registered for the offence punishable under Section 20(b)(ii)(B) of the NDPS Act, 1985.

3. The allegation against the petitioners is that on 02.03.2014 at 3.30 p.m. they were found in possession of 1.600 Kg. of ganja in contravention of the provisions of the NDPS Act, 1985. The petitioners were enlarged on bail on condition that they should not involve in any other offence while on bail. Violating the said condition, they have again committed the very same offence and they were arrested on 23.08.2014 in connection with Crime No.5/2014 of Feroke Excise Range for the offence under Section 20(b)(ii)(A) of

the NDPS Act. As they have violated the bail condition, a petition was filed before the court below by the prosecution for the cancellation of the bail granted to them in Crime No.134/2014, which is presently pending as S.C.No.72/2014 before the Special Court (NDPS Act Cases), Vadakara and consequently, their bail was cancelled.

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

5. The learned Public Prosecutor has pointed out that trial has been commenced in S.C.No.72/2014 and presently, the examination of witnesses is started on 06.12.2014. In this context, the petitioners are not entitled to be enlarged on bail. When trial is commenced and evidence has been started, they will have to face the trial.

In the result, this Bail Application is dismissed.

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

aks/10/02

*// True Copy //*  
*PA to Judge*