

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 563 of 2015

CRIME NO. 1718/2014 OF FORT KOCHI POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED :

1. IRSHAD C.N, AGED 31 YEARS,
SON OF IBRAHIM HAJI, 19/575, CHALAPPURAM P.O,
CALICUT-2.
2. SHAMJITH.P, AGED 29 YEARS,
SON OF ABDUL AZEEZ, 'SHAS', CHIRAKKAPARAMBU,
KALLI P.O., CALICUT-3.
3. BIJOY K.R, AGED 32 YEARS,
SON OF KOCHURAMAN, AMRUTHA HOUSE, KARAYAD P.O,
CALICUT-673 524.

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/COMPLAINANT AND STATE :

1. THE CIRCLE INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION, FORT KOCHI,
ERNAKULAM-682 001.
2. STATE OF KERALA ,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM (FOR ADGP)

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.563 2015
.....

Dated this the 24th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.1718/2014 of Fort Kochi Police Station registered for the offence punishable under Section 8(c) read with Sections 21B, 27A, 28 and 29 of the NDPS Act.

3. The allegation against the petitioners is that on 28.12.2014 at 5.15 p.m., they were found in possession of 3 grams of cocaine, which is an intermediate quantity. The petitioners have been in custody for the period from 28.12.2014 onwards.

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

5. Even though the petitioners have been in custody for the period from 28.12.2014 onwards, the investigation is

not over and final report has not been filed. Matters being so, this is a case wherein the petitioners are entitled to get compulsive bail under Section 167(2) Cr.P.C. as the narcotic drug being of intermediate quantity.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 03.03.2015 for a period of six months.*

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

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners 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/24/02

*// True Copy //*

*PA to Judge*