

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. 703 of 2015 ()

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CRIME NO. 21/2012 OF EXCISE ENFORCEMENT AND
ANTI NARCOTIC SPECIAL SQUAD, ERNAKULAM.**

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PETITIONER/ACCUSED 10:

**SYAM LAL, AGED 34 YEARS,
S/O.KESAVAN, KIZHAKKEKKARA HOUSE,
JOSE GIRI KARA, RAJAKKADU VILLAGE,
UDUMBANCHOLA, IDUKKI DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
THROUGH EXCISE INSPECTOR,
EXCISE ENFORCEMENT AND ANTI NARCOTIC
SPECIAL SQUAD, ERNAKULAM.**

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:**

rs.

B.KEMAL PASHA, J.

B.A.No.703 of 2015

Dated this the 10th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is A10 in Crime No.21/2012 of the Excise Enforcement and Anti Narcotic Special Squad, Ernakulam registered for the offences punishable under Sections 20(b)(ii)(C), 25, 27A, 29 and 31 of NDPS Act 1985.

3. This is a case wherein 25 Kg. of dry ganja, brought from Orissa, has been seized. The investigation has revealed that the funds for purchasing those ganja from Orissa were paid by the present petitioner to one Shaji Thomas, who is a Keralite residing

in Orissa. It was he, who purchased 75 Kgs. of ganja from Orissa. It seems that the said 75 Kgs. of ganja was transported to Kerala. At the same time, only 25 Kg. were seized. The balance ganja is yet to be recovered. The petitioner was arrested on 18.11.2014 and thereafter, he has been custody.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. The petitioner has to be treated as the kingpin in the matter, as he had paid the amount for the purchase of ganja from Orissa. The Investigating Officer has collected evidence relating to the contacts between the petitioner and Shaji Thomas in Orissa through Bank account, as well as, direct contacts of the petitioner with the first accused, who transported ganja from Orissa. There is active involvement of the petitioner in the offence. The investigation is not over. The other persons connected with the

incident are yet to be arrested. Considering all the above, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge