

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No.901 of 2015

(CRIME NO.4/2014 OF ERNAKULAM EXCISE CIRCLE OFFICE,ERNAKULAM).

PETITIONER/ACCUSED:

**SURESH @ NEGRO SURESH,AGED 31 YEARS,
H.NO.102,UDAYA COLONY,GANDHI NAGAR,
ELAMKULAM VILLAGE.**

BY ADV. SRI.MATHAI VARKEY MUTHIRENTHY

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,REPRESENTED BY
THE EXCISE CIRCLE INSPECTOR,ERNAKULAM,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.901 2015
.....

Dated this the 23rd day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2<sup>nd</sup> accused in Crime No.4/2014 of Excise Circle Office, Ernakulam registered for the offences punishable under Sections 22(c) and 29 of the NDPS Act.

3. The allegation against the petitioner and the other accused is that on 25.11.2014 at 8.30 a.m., they were found standing together and were dealing in psychotropic substance namely, Buprenorphine and a quantity of 28 ampules of such psychotropic substance was seized from the possession of A1 in body search. The petitioner has been in custody for the period from 25.11.2014 onwards.

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

5. The learned counsel for the petitioner has pointed out that any psychotropic substance was not seized from the person of the petitioner whereas, the entire items were seized out of the body search of A1. No criminal antecedents have been reported against the petitioner. The investigation of this case as far as the petitioner is concerned, is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail on conditions.

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 02.03.2015 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/23/02

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*PA to Judge*