

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No. 1073 of 2015

O.R.NO.2 OF 2014 OF NARCOTICS CONTROL BUREAU, COCHIN

PETITIONER(S)/ACCUSED NO.3 :

**AJMAL V.P,
S/O.ABDUL JALEEL, R/O. V.P HOUSE,
CHIRAKKAL PUTHIYA THERU,
KANNUR AND NOW RESIDING AT W.NO 20,
KOOVAPURATHU HOUSE, BUILDING NO.445,
MADAYI GRAMA PANCHAYATH, VENGARA, KANNUR- 05.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S)/COMPLAINANT :

- 1. THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU, SUB ZONE, COCHIN.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA,
ERNAKULAM THROUGH THE INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU, SUB-ZONE, COCHIN.**

**R1 BY ADV. SRI.M.V.S.NAMBOOTHIRY
R2 BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.1073 of 2015
.....

Dated this the 3rd day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in O.R. No.2/2014 of Narcotics Control Bureau, Cochin registered for the offences punishable under Sections 21(C), 28 and 29 of the NDPS Act, 1985.

3. This is a case wherein 1.988 Kg. of heroin secretly concealed in a black bag carried by A1 was seized at the Cochin International Airport, when the 1st accused had checked in for flying to Kuwait on 13.11.2014. Based on the information furnished by A1, A2 was caught which ultimately led to the arrest of the petitioner. The allegation against the petitioner is that it was he who manufactured the bag as well

as stitched a secret cavity for concealing heroin. It is also alleged that he was also instrumental in concealing heroin in the secret cavity of the bag and handing over it to A2 for on toward transit to the Cochin International Airport. The petitioner has been in custody for the period from 13.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Standing Counsel for the Narcotics Control Bureau. The learned Standing Counsel has vehemently opposed the application.

5. According to the petitioner, the only allegation against the petitioner is that he was a bag manufacturer, who stitched a secret cavity in the bag. It seems that similar bags were seized from him. Therefore, the argument forwarded by the learned Standing Counsel for the Narcotics Control Bureau that the petitioner also is a member of the gang involved in trafficking of narcotics, seems to be probable. The investigation of this case is not

over. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, 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)

aks/03/03

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PA to Judge