

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1190 of 2015 ()

CRIME NO. 238/2015 OF NARAKKAL POLICE STATION.

.....

PETITIONERS/ACCUSED NO. 2 & 4:

- 1. ABEY GEORGE, S/O.JOHN JOSEPH,
AGED 27 YEARS, CHAMMANIYODATHU (H),
MAROTTICHODU, VARAPPUZHA, ERNAKULAM DISTRICT.**
- 2. VINEETH, S/O. ASHOAKAN,
AGED 27 YEARS, THOTTUNKATHARA (H),
EDAKOCHI, ERNAKULAM DISTRICT.**

BY ADV. SRI.M.J.SANTHOSH.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
NARAKKAL POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY SRI.ABDUL RASHEED, ADDL. D.G.P.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, ALONG WITH BA NO.1407 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. Nos.1190 & 1407 of 2015
.....

Dated this the 24th day of March, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Petitioners in B.A.No.1190/2015 are A2 and A4 and petitioners in B.A.No.1407/2015 are A1 and A3 in Crime No.238/2015 of the Njarakal Police Station, registered for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act,1985.

3. The allegation against the petitioners is that on 14.02.2015 at 4.30 p.m., they were found engaged in the sales of ganja, and a quantity of 1.370 gms. of ganja was seized from their possession. The petitioners have been in

custody for the period from 15.02.2015 onwards.

4. Heard learned counsel for the petitioners, and the learned Additional D.G.P. Perused the CD. The learned Additional D.G.P. vehemently opposed the petitions.

5. The learned Additional D.G.P has pointed out that the petitioners were engaged in retail sale of ganja and the same were divided and kept as small packets, meant for distribution. At the same time, it has come out that no criminal antecedents have been reported against the petitioners. It is true that the allegations against the petitioners are very grave and serious. The quantity of ganja involved is of intermediate quantity coming within the meaning of Section 20(b)(ii)(B) of the NDPS Act. Investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, I am of the view that the petitioners can be enlarged on bail, on strict

conditions, with a view to keep the petitioners away from committing further offences of similar nature.

6. In the result, these Bail Applications are allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 alternate days commencing from 31.03.2015, for a period of six months.

(i) 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

ul/-

[True copy]

P.S. to Judge