

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 1844 of 2015 ()

CRIME NO. 2/2014 OF E.E. & ANSS, KOZHIKODE.

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PETITIONERS/ACCUSED:

**SALEEM @ VEMBILI SALEEM,
S/O.HASSAN KOYA (LATE), AGED 56 YEARS,
RESIDING AT CHENNALERI PARAMBA,
PANNIYANKARA AMSOM, CHAKKUM KADAVU DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT.**

BY ADV. SMT.K.LASITHA.

RESPONDENTS/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. RAMAKRISHNAN, J.

B.A.No. 1844 of 2015

Dated this the 28th day of April, 2015.

ORDER

This is an application filed by the accused in Crime No.2 of 2014 of Excise Enforcement and Anti Narcotic Special Squad, Kozhikode under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 29.1.2014 at about 11.50 a.m., the accused was found to be in possession of 1.150 kg. of ganja, in contravention of the provisions of the Narcotic Drugs and Psychotropic Substance Act, 1985. (Hereinafter called the 'NDPS' Act) and thereby he had committed the offence under Section 20(b) ii (B) of NDPS Act.

3. Heard the counsel for the petitioner and Public Prosecutor.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of

the same and he is in jail from 29.1.2014 onwards. Considering the quantity involved, there is no necessity for his further detention. The learned counsel prayed for allowing the application.

5. The application is opposed by the Public Prosecutor on the ground that he is accused in several cases in this nature and while he was bail in one of the cases, he committed this crime also.

6. It is seen from the records that the petitioner was arrested on 29.1.2014 at 11.50 a.m. along with 1.150 kg. of ganja and he is in jail from that day onwards. It is seen from the order of this Court in Annexure 2 order that he was accused in Crime No.9/2014, 4/2014 and 476/2014 for committing similar offences and it is also seen that he was released on bail on 31.3.2014 and it is thereafter that he had committed same offence and so his bail was cancelled and arrested and remanded to custody. So the apprehension of the Prosecutor is that if he is released on bail, he is likely to

involve in similar offences, cannot be ruled out as he is a habitual offender in Trafficking Narcotic Substance and Drugs. The investigation is still in progress. So, considering the circumstances, this Court feels that it is not a fit case where the discretionary power of granting bail has to be invoked in favour of the petitioner. So the petitioner is not entitled to get the bail and the same is liable to be dismissed.

In the result, the petition is dismissed.

**Sd/-
K. RAMAKRISHNAN
JUDGE**

Scl.

True Copy

PA to Judge