

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl.No. 1872 of 2015

CRIME NO. 11/2015 OF KOLLAM EXCISE SPECIAL SQUAD, KOLLAM

PETITIONER(S)/1ST ACCUSED:

**JOHN, AGED 44 YEARS, S/O.GEORGE,
TSUNAMI FLAT B4, 1019,
PAYYALAKAVU MURI, CHAVARA VILLAGE,
KOLLAM DISTRICT.**

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTORM
HIGH COURT OF KERALA 682 031,
RESPRESENTED THE EXCISE INSPECTOR,
KOLLAM EXCISE SPECIAL SQUAD, KOLLAM DISTRICT - 691 001.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1872 of 2015
.....

Dated this the 6th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.11/2015 of the Excise Enforcement and Anti-Narcotic Special Squad, Kollam registered for the offence punishable under Sections 20(b)(II)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner and the other accused is that on 10.03.2015 at 8.30 p.m., they were found transporting 1.200 kgs. of ganja, in contravention of the provisions of the NDPS Act. The petitioner was arrested on 10.03.2015 and thereafter he has been in custody.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

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 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 13.04.2015 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

ul/-

[True copy]

P.S. to Judge