

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

Bail Appl..No. 1996 of 2015

CRIME NO.159/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM DISTRICT

PETITIONER(S)/8TH ACCUSED :

**JASBIR SINGH, AGED 28 YEARS,
SON OF GURBIR SINGH, S.BLOCK, DOOR NO.57,
4TH MAIN ROAD, 20TH STREET, ANNA NAGAR,
CHENNAI-40.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-05-2015, ALONG WITH B.A.NO.2049 OF 2015THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. Nos.1996 & 2049 of 2015
.....

Dated this the 19th day of May, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos. 8 and 7 respectively in Crime No.159/2015 of the Kadavanthra Police Station, Ernakulam registered for the offences punishable under Sections 21(b), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act).

3. The prosecution case is that on prior secret information that a smoke party was going on in Duplex Flat No.13F and 14F of Skyline Topaz Apartment, Kadavanthra, the investigating officer along with the police party reached the flat at 00.15 a.m. on 30.01.2015 and found A1 to A5

present in the flat. They were allegedly enjoying the smoke party. Cigarette buds etc. were seen in the ashtray and some fresh cigarettes were also seen. According to the prosecution, the investigating officer was satisfied that A1 to A5 were smoking cigarette smeared with cocaine or some other narcotic drugs. The option to be searched in the presence of a gazetted officer or Magistrate was given to those accused, according to the prosecution, and the presence of a gazetted officer was made available and their body search was conducted. Nothing incriminating was recovered from the body search of A3. The women were separated and their body search was conducted through a Woman Police Constable. Nothing incriminating was seized from the body search of A2, A4 and A5 also. At the same time, it is alleged that on the body search of A1, a polythene packet containing 10 other small packets of some white substance was seized from the pocket of the jeans worn by A1. The said white substance was found to be cocaine. A1

to A5 were placed under arrest. The contraband has been seized through a mahazar and other legal formalities were complied with. Subsequent investigation has led to the arrest of these petitioners on 21.03.2015, and thereafter they have been in custody.

4. Heard the learned counsel for the petitioners and learned Senior Public Prosecutor.

5. A1 to A5 have already been enlarged on bail. It has been pointed out that the final report in the case, as far as A1 to A5 are concerned, has already been filed. It seems that the investigation of this case is practically over. Considering the facts and circumstances of the case and the period undergone by the petitioners in custody, I am of the view that the petitioners can also be enlarged on bail on the same terms and conditions imposed in order dated 30.03.2015 passed by this Court in the matter.

6. In the result, these Bail Applications are allowed and the petitioners shall be enlarged on bail on each of

them 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 26.05.2015 for a period of six months.

(ii) The petitioners shall surrender their passports before the court below. If they have no passports, affidavits to that effect shall be filed before the court below.

(iii) The petitioners shall not leave the State of Kerala without the prior permission of the court below, till the disposal of the case.

(iv) The petitioners shall furnish their place of residence and mobile phone numbers in which they will be available at all times until further orders to the investigating officer.

(v) The petitioners shall not tamper with the evidence or influence witnesses.

(vi) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vii) 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