

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2017 of 2015

AGAINST THE ORDER IN CRL.M.C NO.735/2015 OF THE SESSIONS COURT,
ERNAKULAM

CRIME NO. 31/2014 OF ERNAKULAM E.E & A.N.S.S. , ERNAKULAM

PETITIONER/ACCUSED:

SUKUR ALI, AGED 22 YEARS,
S/O.JAVED ALI, KOKUGEN ITO WARD, WARD NO.5,
NOKKHDT, JOHRA DISTRICT, ASSAM.

BY ADV. SMT.P.K.PAMALA

RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-31 (CRIME NO.31/2014
EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD
ERNAKULAM DISTRICT)

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.UBAID, J.

B.A No.2017 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein is the accused in Crime No.31/2014 of the Excise Enforcement and Anti Narcotic Special Squad, Ernakulam, registered under Section 20(b)(ii)(B) of the NDPS Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, Ernakulam on 30.3.2015. The petitioner has been in judicial custody since 3.12.2014.

2. The prosecution case is that the petitioner was found possessing 1.100 Kgs. of Ganja on 3.12.2014. It is submitted that the petitioner is aged only 22 years, and that his continued detention in prison will have adverse effects.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material properties. However, the petitioner will have to be directed report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his executing bond with two solvent sureties for ₹25,000/- to the satisfaction of the learned Sessions Judge, Ernakulam. Bail is granted on condition that

a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Wednesdays for a period of two months.

b) The petitioner shall not leave the

jurisdictional limits of the learned Magistrate for a period of two months.

c) The petitioner shall not in any manner influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d) The petitioner will make a security deposit of ₹10,000/- (Rupees ten thousand only) in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

**P.UBAID
JUDGE**

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