

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Bail Appl..No. 2225 of 2015 ()

CRIME NO. 33/2015 OF THIRUNELLI POLICE STATION,WAYANAD DISTRICT

PETITIONER(S)/ACCUSED NOS.1 & 2 :

- 1. SUMESH,S/O MURALEEDHARAN,AGED 26 YEARS,
CHALAPURATH HOUSE, MANGALAM,
VADAKKANCHERY, THRISSUR DISTRICT.**
- 2. SANDEEP, S/O SASI,AGED 36 YEARS,
KALATHILTHARA HOUSE, NARIKUNDU, AMBALAVAYAL,
WAYNAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.P.A.RAJESH**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031**
- 2. THE SUB INSPECTOR OF POLICE,
THIRUNELLI POLICE STATION, WAYNAD DISTRICT,
PIN- 673 701**

BY ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.K.A.ABDUL RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.2225 OF 2015

Dated this the 26th day of May, 2015

ORDER

Petition filed under Section 439 (1) Cr.P.C.

2. Petitioners are alleged to have committed for the offence under Sections 20(b) ii(c) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

3. The prosecution case is that they transported 86 kg of Ganja in a Tata Sumo car and have committed the offence mentioned above.

4. Heard.

5. The learned counsel submits that the petitioners have been in custody since 12.02.2015 and they may be granted bail. Admittedly Ganja was seized from the vehicle in which they were traveling. The only dispute is whether they were in conscious possession of Ganja, which is a matter to be decided at the trial and not at this stage. The quantity involved is 86 kg of Ganga, which is commercial quantity. Having regard to the nature of the offence it is not proper to grant them bail at this stage. Moreover, the co-accused are yet to be arrested.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge