

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYASHTA, 1937

Bail Appl..No. 2907 of 2015 ()

**OR 1/2015, NDPS OF THE CUSTOMS PREVENTIVE COMMISSIONERATE HEAD
QUARTERS, COCHIN**

PETITIONER/2ND ACCUSED :

**SATHEESHKUMAR P.K., AGED 40 YEARS,
S/O.LATE KARUNAKARAN, POZHATHUVAYALIL VEEDU,
KUMILI, IDUKKI DISTRICT**

**BY ADVS.SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH**

RESPONDENT/RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682031**
- 2. UNION OF INDIA,
REPRESENTED BY INSPECTOR,
CUSTOMS PREVENTIVE COMMISSIONERATE,
HEAD QUARTERS, COCHIN.**

**R1 BY PUBLIC PROSECUTOR SMT.R. REMA
R2 BY ADV. SRI.P.C.IYPE**

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

bp

K. ABRAHAM MATHEW, J.

B.A. No.2907 of 2015

Dated this the 4th day of June, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. On getting information that the petitioner and the first Petitioner were in possession of Hashish Oil, the investigating officer conducted a search of them at a public place and seized 3.100 kg Hashish Oil from the first accused. The prosecution alleges that the petitioner and the first accused were in joint possession of the contraband article. The learned counsel submits that there is no evidence to connect the petitioner with the crime.

3. Heard.

4. The petitioner and the first accused were found together when the seizure was made from the first accused. The confession statement of the first accused reveals the involvement of the petitioner also. It is relevant during trial. So it cannot be said that there is nothing to establish nexus between the petitioner and the contraband article. The learned counsel submits that the petitioner has been in custody since 20.03.2015. That

alone cannot be a ground to grant him bail. It appears that if he is released on bail he may repeat the offence.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge