

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 3208 of 2015 ()

AGAINST THE ORDER IN LP 44/2015 of ADDL.SESIONS COURT - V,
THIRUVANANTHAPURAM

PETITIONER(S) :

M.A.K.ASIF
IOB CHOICE HEIGHTS, BAINS COMPOUND, NANTHENCOD
THIRUVANANTHAPURAM (ABSCONDING) .

BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN

RESPONDENT(S) :

INTELLIGENCE OFFICER
NARCOTIC CONTROL BUREAU, REGIONAL INTELLIGENCE UNIT
THIRUVANANTHAPURAM
REPRESENTED BY THE STANDING COUNSEL FOR NCB
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.M.G.LISHA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Pn

B.SUDHEENDRA KUMAR, J.

Bail Application No. 3208 of 2015

Dated this the 17th day of June, 2015

O R D E R

The petitioner is the 3rd accused in LP No.44/15 on the files of the Additional Sessions Court - V, Thiruvananthapuram. The above case was originally registered as Crime No.OR.1/2004 of NCB/RIU/Thiruvananthapuram under Section 21(b) and 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985.

2. The petitioner has filed this Application under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application. It appears that the Investigating Officer had already filed complaint before the Court after completing the investigation. After complying with the legal formalities, accused Nos.1 and 2 faced the trial as S.C. No.584/2004.

5. The learned counsel for the petitioner has submitted that Exhibit C1 report marked in the trial of the other accused would show that the contraband seized is in fact not a contraband and in the said circumstances, the petitioner is entitled to the relief under Section 438 Cr.P.C. I am not called

upon to evaluate the evidence in SC No.584/2004 mentioned above in this proceeding. However, the petitioner shall be at liberty to advance all his contentions, including the above said contention, before the Court concerned at the appropriate time. Since the final report had been already filed and the case is presently pending in the long pending register, I am of the view that this is not a fit case where an order under Section 438 Cr.P.C. in favour of the petitioner will be justified.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the Court concerned and apply for regular bail within 10 days, if so advised. If the petitioner files any application for bail at the time of his surrender, after giving copy in advance to the learned Public Prosecutor, the Court concerned shall consider and dispose of the application for bail, as expeditiously as possible, strictly in accordance with law.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

/true copy/

P. A. to Judge