

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Bail Appl..No. 4954 of 2015

CRIME NUMBER NOT KNOWN

PETITIONER/A 3:

**M.A.K.ASIF, AGED 52 YEARS,
IOB CHOICE HEIGHTS, BAINS COMPOUND, NANTHENCOD,
THIRUVANANTHAPURAM (UNDER CUSTODY).**

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

RESPONDENT/COMPLAINANT:

**THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU, REGIONAL UNTELLIGENCE UNIT,
THIRUVANANTHAPURAM-REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY SRI.MVS.NAMBOOTHIRY

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No. 4954 of 2015

Dated this the 20th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner was an accused in S.C. No. 584 of 2004 on the file of Additional Sessions Judge, Ad hoc III, Thiruvananthapuram which was registered for the offence under Section 21(a) of the NDPS Act. He was granted bail. Thereafter, he absconded. The case against him was split up and the case as against the other accused was proceeded with. It was disposed of. The petitioner was arrested on 06.03.2014 and since then he has been in custody. He prays for bail.

3. Learned counsel submits that the trial of the co-accused ended in acquittal. That may be true. That cannot be taken into account in disposing of this application. The petitioner has been successfully in absconding for a decade. He cannot be granted bail. Learned counsel submits that the substance allegedly seized from the accused was coffee powder and not a psychotropic substance. If that is true, he may plead for discharge unless charge has already been framed.

In the result, this application is dismissed. The petitioner may plead for discharge if charge has not been framed. The trial

court shall dispose of the case as expeditiously as possible. Learned counsel submits that the petitioner may be allowed to file bail application in the trial court. He may do so as there is no legal impediment for it.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge