

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Bail Appl.No. 5251 of 2015

CRIME NO. 4/2015 OF AGALI EXCISE RANGE OFFICE, PALAKKAD
.....

PETITIONER(S):

**MAYILSWAMY GOUNDER, AGED 66 YEARS,
S/O.CHELLAPPA GOUNDER, MANALKATTIL HOUSE,
MELE SAMBARCODE, 100 ACRE DESOM,
KOTTATYHARA, MANNARKKAD, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.5251 of 2015

Dated this the 31st day of August, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the accused in crime No.4/2015 of Agali Excise Range registered for offences punishable under Sections 20(a) (i) of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act').

3. Prosecution case, in short, is that on 12-07-2015 at about 5.00 p.m, the Excise Inspector and party detected three ganga plants in the property owned by the accused.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the plants were found not in his property but by the side of a canal through which the public have a right of access. This submission is strongly opposed by the learned Public Prosecutor contending that there are sufficient materials to show that the

petitioner himself had grown the trees. Considering the fact that the petitioner was arrested on 12-07-2015 and that he was not involved in any other offence, I find that bail can be granted to the petitioner with following conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction, viz; the Special Court under the NDPS Act.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Sundays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned trial Judge is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**