

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937**

**Bail Appl..No. 5285 of 2015 ()**

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CRIME NO. 917/2015 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT.**

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**PETITIONER/ACCUSED:**

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**ADAM T.P., AGED 53 YEARS,  
S/O. MUHAMMED KOYA, ASLAMJU NIVAS,  
MALAMKUNIPADAM, NALLALAM,  
KOZHIKODE DISTRICT.**

**BY ADV. SRI.P.VKUNHIKRISHNAN.**

**RESPONDENTS/COMPLAINANT & STATE:**

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- 1. STATION HOUSE OFFICER,  
NALLALAM POLICE STATION, PIN-673 027.**
- 2. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

**BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**A.HARIPRASAD, J.**

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**B.A No.5285 of 2015**  
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**Dated this the 16<sup>th</sup> day of September, 2015.**

**ORDER**

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

2. Petitioner is the accused in crime No.917/2015 of Nallalam Police Station registered for offences punishable under Sections 20(b) ii (B) of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act').

3. Prosecution case, in short, is that on 27-07-2015 at about 3.30 p.m, the accused was found in possession of 1.325 Kg. of Ganga, a contraband under the N.D.P.S. After complying with the formalities, he was arrested. He is in custody from the date of arrest onwards.

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

5. Learned counsel for the petitioner submitted that he is innocent of all allegations and not involved in any other crime earlier. Learned Public Prosecutor opposed the bail application contending that he was selling the contraband articles to the students

in local schools and colleges. Considering the nature of allegations, the quantity of the contraband involved and the number of days undergone in judicial custody, 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.1,00,000/- (Rupees one lakh 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 Mondays and Thursdays 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.

**Sd/-  
A.HARIPRASAD,  
JUDGE.**

**//True copy//**

amk

**P.A to Judge**