

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 5565 of 2015

**OR.NO.1/2015, NDPS OF THE CUSTOMS PREVENTIVE COMMISSIONERATE HEAD
QUARTERS, COCHIN**

PETITIONER(S):

**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(S):

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

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA
R2 BY SRI.SASTHAMANGALAM S. AJITHKUMAR**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5565 of 2015

Dated this the 17th day of September 2015

O R D E R

Petition filed under Sec.439 Cr.P.C.

2. Petitioner, accused in O.R. No.1 of 2015 of Customs Preventive Commissionerate Head Quarters, Cochin seeks bail. Petitioner is the 2nd accused. It is alleged that on 20.03.2015, the first accused was found carrying a bag containing 3.1 Kgs. of hashish oil prepared from ganja. The prosecution contended that the petitioner was found along with the first accused. Both the accused gave a statement revealing their complicity.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor.

3. Learned Special Public Prosecutor opposed the bail application contending that the quantity recovered from the first accused is commercial quantity. The 3rd accused is yet to be arrested.

4. As per Sec.36(4) of the Narcotic Drugs and Psychotropic Substances Act, the entitlement to claim a

default bail arises only on the expiry of one hundred and eighty days. Considering the nature of allegations and the quantity of the contraband involved, I am not inclined to grant bail to the petitioner at present. The petitioner may move application before the appropriate Court at appropriate time.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

P.A. To Judge

NS