

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Bail Appl..No. 6037 of 2015 ()

CRIME NO. 1/2015 (NDPS) OF PATTAMBI EXCISE RANGE, PALAKKAD DISTRICT

APPLICANT/ACCUSED:

**SHAMSUDDIN MALLIK,
S/O MAZED-3YA, KAANDAJALAPAI, PURBHANSHA,
IL NO.157, BAYAL-2, NANDIGRAM,
MIDNAPORE, WEST BENGAL-721 656.**

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

RESPONDENT/COMPLAINANT:

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

BY SR PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.6037 of 2015

Dated this the 5th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the accused in Crime No.1 of 2015 of Pattambi Excise Range registered for the offences punishable under Secs.20(b)(ii)(b) of Narcotic Drugs and Psychotropic Substances Act. The prosecution case is that on 11.08.2015 at about 10.30 a.m., the excise officers, while on patrol duty, found the petitioner carrying 1.636 Kgs of dried ganja and the contraband was recovered from his possession.

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

4. Learned counsel for the petitioner submitted that the petitioner is innocent of all the allegations and is not involved in any other offence so far.

5. Learned Public Prosecutor opposed the bail application contending that the accused is a person

hailing from West Bengal. If he is enlarged on bail, there is every chance of his fleeing from justice and abstaining from Court.

Considering the quantity of the contraband involved, period of custody and also the fact that the petitioner is a native of West Bengal, bail is granted to him with the following conditions.

i. The petitioner shall be released on bail on his 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 learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and

Thursday till the final report is filed.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/05/10/2015

P.A. To Judge