

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6188 of 2015

CRIME NO. 611/2014 OF KUMBALA POLICE STATION, KASARAGOD DISTRICT.
.....

PETITIONER/ACCUSED NO.4:

**ASHRAF, S/O. ABOOBECKER, AGED 33,
BANNAMKULAM KUNNIL HOUSE,
KUMBALA P.O., ARIKKADI VILLAGE,
KASARGOD DIST.**

BY ADV. SMT.RAJI T.BHASKAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP BY THE SUB INSPECTOR,
KUMBALA POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.6188 of 2015

Dated this the 12th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the 4th accused in Crime No.611 of 2014 of Kumbala Police Station registered for an offence punishable under Section 20(b)(ii) B of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act').

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

4. Prosecution case, in short, is that on 27-11-2014 at about 9.00 a.m., the accused possessed 4.20 grams of ganga in a car for the purpose of sale.

5. The provisions in Section 37 of the N.D.P.S Act imposes restrictions even in the matter of a regular bail in such cases. The plea for pre-arrest bail is legally unsustainable not only because of the rigidity of Section 37 of the N.D.P.S Act,

but also considering the societal impact of such offences. Hence,
the bail application dismissed.

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

//True copy//

P.A to Judge

amk