

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6844 of 2015

**CRIME NO.21/2015 OF EXCISE ENFORCEMENT & ANTI NARCOTIC
SPECIAL SQUAD, ERNAKULAM**

PETITIONER(S)/1ST ACCUSED:

**MUHAMMED SHAFI, AGED 21 YEARS,
S/O. NAUSHAD, MANGALASSERI HOUSE, THIRUTHUKARA,
ALUVA EAST VILLAGE.**

BY ADV. SRI.K.DIVAKARAN

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. EXCISE CIRCLE INSPECTOR,
EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD,
ERNAKULAM-682017.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.6844 of 2015

Dated this the 17th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.21 of 2015 of Excise Enforcement and Anti Narcotic Special Squad, Ernakulam registered for offences punishable under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. Prosecution case, in short, is that two accused persons were found in possession of 1.615 kgs. of brown sugar on 26.07.2015 at a place in Aluva East Village. Petitioner remains in custody from 26.07.2015 onwards.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is implicated in the case without any basis. Further he would submit that the second accused was enlarged on bail although he could not execute the bond and get himself released.

6. Learned Prosecutor opposed the bail application contending that the petitioner is the kingpin in recruiting persons to carry contraband

articles to foreign countries. It is also submitted that material witnesses have been questioned.

Considering the nature of allegations and the number of days in detention, bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the Special Judge under NDPS Act having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. He shall surrender his passport, if any, forthwith. If he does not have passport, he shall swear to an affidavit showing that fact and submit it before the learned Special Judge having jurisdiction.

v. He shall not leave the limits of Ernakulam District without the permission of the Special Judge until final report is filed.

vi. He shall not indulge in any offence while on bail.

vii. He 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 lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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