

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 7067 of 2015

CRIME NO. 7/2015 OF VADAKKANCHERRY POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED:

**SHAJI C.K., AGED 37 YEARS,
S/O. KUMARAN, CHACKALACKAL HOUSE, KUNNAPPILLY P.O,
CHALAKUDY, THRISSUR DISTRICT.**

**BY ADVS.SRI.S.U.NAZAR
SRI.MANSOOR.B.H.**

RESPONDENT(S)/COMPLAINANT/STATE:

**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 16-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7067 of 2015

Dated this the 16th day of November, 2015

ORDER

Applications under Section 438 of the Code of Criminal Procedure.

2. Second accused in Crime No.7 of 2015 of Vadakkancherry Police Station registered for offences punishable under Sections 20(b) and 11(b) of the Narcotic Drugs and Psychotropic Substances Act seeks pre-arrest bail.

3. Allegation is that on 13.09.2015 the vehicle bearing No.KL-44A/3453 was intercepted by the Police Officers and on search, 1.5 kgs. of ganja was seized from it. A handicapped person seen in the vehicle is made as first accused. Further allegation is that the petitioner who was driving the vehicle ran away on seeing the Police Officers.

4. Heard both sides.

4. Learned counsel for the petitioner submitted that the petitioner is the husband of the registered owner of the vehicle. It is the further case that he leased out the vehicle to the first accused.

Considering the facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. In the event the petitioner surrenders

before the investigating officer within a period of two weeks from today, he shall be produced before the Special Court under the NDPS Act having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Special Judge shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of surrender itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest her, as if no order is passed in this case.

Applications are disposed of.

A. HARIPRASAD, JUDGE.

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