

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 7580 of 2015 ()

**CRIME NO. 7/2015 OF KOLAZHY EXCISE RANGE OFFICE,
TRISSUR DISTRICT**

PETITIONER/ACCUSED :

**RAJA M., AGED 44 YEARS,
S/O. MUGAYA THEVAR, ULAKARTHEVAR, 1ST STREET,
KAMBAM TALUK, THENI DISTRICT, TAMIL NADU.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.7580 of 2015

Dated this the 4th day of December, 2015

ORDER

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

2. Petitioner is the accused in Crime No.7 of 2015 of Kolazhy Excise Range registered for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985. He seeks bail.

3. Prosecution case is that on 21.03.2015 at 1.45 p.m., the petitioner was found in possession of 8 kgs. of dry ganja in a big shopper and apprehended from the place of detection.

4. Heard both sides.

5. Learned Prosecutor strongly opposed the application. She submitted that the matter is scheduled for trial to 03.12.2015 before the Special Court dealing with NDPS cases.

6. Learned counsel for the petitioner submitted that the petitioner had sent an application from the Central Prison for which the learned Additional Sessions Judge (Special Judge) had caused to send a reply to the Superintendent of Sub Jail, Chavakkad dated 26.10.2015 directing the

petitioner to produce sureties for grant of bail.

Considering the fact that the matter is scheduled for trial and also the fact that the petitioner is a person hailing from Tamil Nadu, I am not inclined to grant bail. Learned counsel submitted that the charge sheet in this case was filed after expiry of the statutory period and therefore, petitioner is entitled to bail. All these submissions can be raised before the trial court where the matter is pending. In case the petitioner files an application for bail, the learned Additional Sessions Judge (Special Judge) shall consider the same on merits untrammelled by any of the observations in this order.

Bail Application is dismissed.

A. HARIPRASAD, JUDGE.

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