

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 7933 of 2015 ()

**CRIME NO. 5/2015 OF ALAPPUZHA EXCISE RANGE OFFICE,
ALAPPUZHA DISTRICT**

PETITIONER :

**BENOY K.M., AGED 35 YEARS,
S/O. MICHEL, KUZHIKANDATHIL, THOTTATHODU,
SOUTH ARYAD, ALAPPUZHA.**

**BY ADVS.SRI.DARSAN SOMANATH
SRI.V.DEEPAK**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.7933 of 2015

Dated this the 23rd day of December, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the sole accused in NDPS Crime No.5/2015 of Alappuzha Excise Range registered for offences punishable under Sections 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

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

4. Prosecution case, in short, is that on 17-09-2015 at about 7.00 a.m., the petitioner was found in possession of two empty ampoules of Buprenorphin and one ampoule containing the drug and 20 Buprenorphin tablets.

5. Petitioner is in custody from 17-09-2015 onwards. Learned Public Prosecutor opposed the bail application. Considering the nature of allegations and the number of days

undergone in judicial custody, bail is granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Special Judge having jurisdiction.
2. 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.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 09.00 and 10.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
6. The petitioner 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 learned Special Judge is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk