

**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. 7982 of 2015 ()**  
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**CRIME NO. 2120/2015 OF ERNAKULAM CENTRAL POLICE STATION,  
ERNAKULAM DISTRICT**  
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**PETITIONER/ACCUSED NO.2 :**  
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**BERNARD K., AGED 22 YEARS,  
S/O.GEORGE HOUSE, PAROTTUKONAM,  
NALANCHIRA P.O.,THIRUVANANTHAPURAM**

**BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN  
SRI.V.VINAY**

**RESPONDENT/STATE :**  
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**STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM 682031  
(CRIME NO.2120/2015 OF CENTRAL POLICE STATION  
ERNAKULAM DISTRICT)**

**BY PUBLIC PROSECUTOR SMT. R. REMA**

**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.**

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**B.A. No.7982 of 2015**  
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**Dated this the 23<sup>rd</sup> day of December, 2015**

**ORDER**

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

2. Petitioner is the second accused in Crime No.2120 of 2015 of Central Police Station, Ernakulam registered for offences punishable under Sections 20(b)(ii) B and 22A of the Narcotic Drugs and Psychotropic Substances Act.

3. Prosecution case is that on 21.11.2015, petitioner along with accused 1 and 3 travelled in a car and while they were proceeding towards M.G.Road, Police Officers intercepted the car on getting information that the accused persons possessed contraband articles under the Narcotic Drugs and Psychotropic Substances Act. It is seen that 1989 grams of dry ganja and 13 numbers of nitrazepam tablets were possessed by the accused without any authority. Petitioner along with other accused were arrested on the spot.

4. Heard the learned counsel for the petitioner and the learned Prosecutor. Perused the case diary.

5. Learned Prosecutor opposed the bail application.

6. Learned counsel for the petitioner submitted that the petitioner is a student. It is further submitted that he was seen in a bad company.

The materials in the case diary show that prima facie the petitioner is involved in the offence. However, considering the fact that he is in custody from 21.11.2015 onwards, bail is granted to him with following strict conditions:

i. Petitioner shall be released on bail on executing a bond for ₹2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Special Judge having jurisdiction. Mother of the petitioner shall be an additional surety irrespective of her solvency.

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 Saturdays between 10.00 and 11.00 a.m for a period of three months or until final report is filed, whichever is earlier.

iv. Petitioner shall not indulge in any offence while on bail.

v. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

vi. He shall surrender his passport, if any. If he does not have a passport, he shall swear to an affidavit to that effect and submit it before the lower court concerned.

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.**

**cks**