

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No. 8946 of 2014

**CRIME NO. 30/2014 OF EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL
SQUAD, ERNAKULAM.**
.....

PETITIONER/ACCUSED:

**NOUSHAD, AGED 37 YEARS,
S/O.BEERAVUNNI, VAZHAKKAMADAM HOUSE,
MILLUMPADI DESOM, KARIMALOOR, ALUVA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.M.S.BREEZ

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE CIRCLE INSPECTOR OF EXCISE,
EXCISE ENFORCEMENT AND ANTI NARCOTIC
SPECIAL SQUAD, ERNAKULAM,
(CRIME NO 30 OF 2014 OF EXCISE ENFORCEMENT
AND ANTI NARCOTIC SPECIAL SQUAD,
ERNAKULAM)**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.8946 of 2014

Dated this the 6th day of April 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.30/2014 of Excise Enforcement and Anti Narcotic Special Squad, Ernakulam registered for the offences punishable under Sections 8(c) read with Section 22(c) and 25 of NDPS Act 1985.

3. The allegation against the petitioner is that on 1.12.2014 at 6.30 p.m., he was found in possession of 13 ampoules of Buprenorphine injection under the trade name 'LUPIGESIC' and 7 ampoules of Norphine injection IP, in contravention of the provisions of the NDPS Act. The petitioner has been in custody for the period from 1.12.2014 onwards.

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

5. It seems that the investigation is practically over. No criminal antecedents have been reported against the petitioner. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

- (i) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all

Mondays and Thursdays, commencing from 13.4.2015, for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

**Sd/-
B.KEMAL PASHA,
JUDGE**

dl

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PA to Judge