IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 04TH DAY OF DECEMBER 2020 / 13TH AGRAHAYANA, 1942

Bail Appl..No.7355 OF 2020

CRIME NO.8/2020 OF Kaduthuruthy Excise Range Office , Kottayam

PETITIONER/A1:

ALAN PHILIP
AGED 19 YEARS
SON OF PHILIP ABRAHAM,
PALACHUVATTIL HOUSE,
MUTTUCHIRA VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT
686612

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN – 682031.

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.B.JAYASURYA SR PP

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 02.12.2020, THE COURT ON 04.12.2020 PASSED THE FOLLOWING:

ASHOK MENON, J.

BA No.7355 of 2020

Dated this the 4th day of December, 2020

O R D E R

This is an application seeking regular bail filed under Section 439 Cr.PC.

2. The applicant is the first accused in Crime No.8/2020 of Kaduthuruthy Excise Range for having allegedly committed offences punishable under Sections 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act ('NDPS Act', for short).

3. The prosecution case, in brief, is that on 31.05.2020 at about 11.10 AM, on a reliable information being received by the Excise Inspector and party, intercepted the accused persons who were riding on a motorcycle bearing Registration No. KL-01-BJ-3796 at Thalapara Road and seized four LSD Stamps weighing 66 mg. from the person of the first accused, who was the pillion rider and one LSD stamp weighing 16.5

mg. from the second accused, who was the rider of the motorcycle. Thereafter, nine LSD stamps weighing 148.5 mg. were seized from the house of accused No.1.

4. The applicant states that he is innocent and the allegations are not true and that he has sought bail on various grounds, including the improper conduct of search under Section 50 of the NDPS Act. The fact remains that the accused were arrested on 31.5.2020 and has been in custody for more than the statutory period of 180 days, and the final report has not yet been filed.

5. Heard the learned counsel for the applicant and the learned Public Prosecutor.

6. The learned Public Prosecutor has submitted that no extension has been sought by the investigating officer to complete the investigation. Under the circumstances, the applicant is entitled to statutory bail under Section 167(2) Cr.PC read with Section 36A(4) of the NDPS Act.

In the result, the applicant is directed to be released on statutory bail on execution of a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on the following conditions:

(i) He shall appear before the investigating officer on all Mondays between 9 a.m. and 12 noon for a period of two months or till the filing of the final report, whichever is earlier.

(ii) He shall not attempt to influence or intimidate the witnesses or tamper with evidence.

(iii) He shall not get involved in similar offences during the currency of the bail.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/-

ASHOK MENON

JUDGE

jg