IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

BAIL APPL. NO. 5898 OF 2024

CRIME NO.471/2024 OF KARIPUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

RASHID.M,
AGED 27 YEARS
S/O. USMAN, FATHIMAS, MAILULLI,
PATHIRIYADU POST,
KANNUR DISTRICT, PIN - 670741
BY ADVS.
P.C.MUHAMMED NOUSHIQ
JAHANA SHERIN.K

RESPONDENTS/STATE/COMPLAINANT:

1 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 **STATION HOUSE OFFICER,**
KARIPPUR POLICE STATION,
KARIPPUR, MALAPPURAM DISTRICT, PIN - 673638

OTHER PRESENT:

SR PP SRI C S HRITHWIK, SR PP SMT SEETHA S ,SR PP SMT NEEMA T V

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.08.2024, ALONG WITH BAIL APPL..6223/2024, 6225/2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

BAIL APPL. NO. 6223 OF 2024

CRIME NO.471/2024 OF KARIPUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

K RIYAS
AGED 24 YEARS
S/O EBRAHIM , KOMATH HOUSE,
KOLATHVAYAL, ANCHAMPEEDIKA,
MOTTAMMAL,KANNUR, KERALA, PIN - 670331
BY ADV GOUTHAM KRISHNA U.B.

RESPONDENTS/STATE/COMPLAINANT:

1. **STATE OF KERALA**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, PIN - 682031
2. **STATION HOUSE OFFICER,**
   KARIPUR POLICE STATION
   KARIPUR, MALAPPURAM, PIN - 673638

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.08.2024, ALONG WITH BAIL APPL..5898/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

BAIL APPL. NO. 6225 OF 2024

CRIME NO.471/2024 OF KARIPUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

RAMEES M C
AGED 29 YEARS
M C HOUSE, KIZHAKKUMBHAGAM,
PINNARAYI, KANNUR, KERALA, PIN - 670741
BY ADV GOUTHAM KRISHNA U.B.

RESPONDENTS/STATE/COMPLAINANT:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 **STATION HOUSE OFFICER,**
KARIPUR POLICE STATION
KARIPUR, MALAPPURAM, PIN - 673638

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.08.2024, ALONG WITH BAIL APPL..5898/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Dated this the 2nd day of August, 2024

C O M M O N O R D E R

These applications are filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the accused 1, 2 and 4 in Crime No. 471/2024 of Karipur Police Station, Malappuram, which is registered against the accused for allegedly committing the offences punishable under Sections 20(b)(ii)(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The accused 1 and 2 were arrested and remanded to judicial custody on 19.06.2024 and the fourth accused was arrested and remanded to judicial custody on 28.06.2024.

2. The crux of the prosecution case is that: on 19.06.2024, at around 16.45 hours, the accused 1 and 2 were found in conscious possession of 4.9 kg of ganja in a hotel room at Karippur. During the course of the

investigation and the interrogation of the accused 1 and 2, it was revealed that the accused 3 and 4 are also involved in the case. Thus, the accused have committed the above offences.

3. Heard; Sri. P.C. Noushiq and Sri. Goutham Krishna. U.B., the learned counsel appearing for the petitioners and Sri. C.S.Hrithwik., Smt. Neema. T.V., and Smt. Seetha. S, the learned Public Prosecutors.

4. The learned counsel for the petitioners submitted that the petitioners are totally innocent of the accusations levelled against them. There are no materials to substantiate that the petitioners have committed the above offences. In any given case, the accused 1 and 2 have been in judicial custody since 19.06.2024, and the fourth accused has been in judicial custody since 28.06.2024, the petitioners have no criminal antecedents, the contraband that was allegedly seized from the petitioners is of an

intermediate quantity, the investigation in the case is complete, and the recovery has been effected. Therefore, the petitioners' further detention is unnecessary. Hence, the application may be allowed.

5. The learned Public Prosecutors opposed the application. They submitted that the petitioners had imported the contraband article from Thailand to export the same to the United Arab Emirates (UAE). They also submitted that if the petitioners are let off on bail, there is every likelihood of them committing similar offences. Nonetheless, they did not dispute the fact that the petitioners do not have any criminal antecedents and that the contraband involved in the case is of an intermediate quantity.

6. The prosecution case against the petitioners is that they had imported the contraband article from Thailand and were proposing to export the same to the UAE. The fact remains that the accused 1 and 2 have

been in judicial custody since 19.06.2024 and the fourth accused has been in judicial custody since 28.06.2024, the investigation in the case is complete, the recovery has been effected, and the petitioners do not have any criminal antecedents.

7. After bestowing my anxious consideration to the facts, the rival submissions made across the Bar, and the materials placed on record, especially on considering the fact that the contraband allegedly seized from the petitioners is of an intermediate quantity, that the petitioners do not have any criminal antecedents, that the accused 1 and 2 have been in judicial custody since 19.06.2024, and the fourth accused has been in judicial custody since 28.06.2024, that the investigation in the case is complete, and that the recovery has been effected, I am of the view that the petitioners' further detention is unnecessary. Hence, I hold that the petitioners are entitled to be

released on bail.

In the result, these applications are allowed, by directing the petitioners to be released on bail on them executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum, to the satisfaction of the court having jurisdiction, which shall be subject to the following conditions:

(i) The petitioners shall appear before the Investigating Officer on every Saturday between 9 a.m. and 11 a.m for a period of two months or till the final report is filed, whichever is earlier. They shall also appear before the Investigating Officer as and when required;

(ii) The petitioners shall not directly or indirectly make any inducement, threat or procure to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer or tamper with the evidence in any

manner, whatsoever;

(iii) The petitioners shall not commit any offence while they are on bail;

(iv) The petitioners shall surrender their passports, if any, before the court below at the time of execution of the bond. If they have no passports, they shall file affidavits to the effect before the court below on the date of execution of the bond;

(v) In case of violation of any of the conditions mentioned above, the jurisdictional court shall be empowered to consider the application for cancellation of bail, if any filed, and pass orders on the same, in accordance with law.

(vi) Applications for deletion/modification of the bail conditions shall be filed and entertained before the court below.

(vii) Needless to mention, it would be well within the powers of the Investigating Officer to investigate

the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioners even while the petitioners are on bail as laid down by the Hon'ble Supreme Court in **Sushila Aggarwal v. State (NCT of Delhi) and another [2020 (1) KHC 663]**.

Sd/-

C.S.DIAS,JUDGE

mtk/02.08.24