IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

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

CRL.MC NO. 6328 OF 2024

CRIME NO.27/2024 OF EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD, ERNAKULAM; AGAINST THE ORDER DATED 20.07.2024 IN CRMC NO.1976 OF 2024 OF I ADDITIONAL DISTRICT COURT, ERNAKULAM

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PETITIONERS/PETITIONERS/ACCUSED 1 AND 2 :

1 RAJA SAHIB NAYAK, AGED 23 YEARS
S/O ANIL KUMAR NAYAK, USTAPADA, LILIGUDA, MOHANA, GAJAPATI, ODISHA, PIN – 761 015

2 SURAJ CHHINCHANI,AGED 29 YEARS
S/O. REJIS CHHINCHANI, SULUBA SINKULIPADAR, GAJAPATI, ODISHA, PIN – 761 017

BY ADV V.S.THOSHIN

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN – 682 031.

SMT. SREEJA V (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J

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Crl.M.C.No.6328 of 2024

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Dated this the 2nd day of August, 2024

ORDER

Petitioners seek modification of a condition incorporated in the order granting bail to them.

2. Petitioners are accused Nos.1 and 2 in Crime No.27/2024 of Excise Enforcement and Narcotic Special Squad, Ernakulam. The offences alleged against them are punishable under Section 20(b)(ii)(B), 27(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. While granting bail to petitioners, the learned Sessions Judge imposed five conditions, of which, petitioners are aggrieved by the first condition. As per the first condition, petitioners were directed to execute a bond for Rs.1,00,000/- with two solvent sureties and directed that one of the sureties should be the father or mother of each of the petitioners. The said condition is, according to the petitioners, too onerous as they hail from Odisha and their parents are living there. According to the petitioners, the said condition is practically impossible of performance.

3. Having heard Sri.Thoshin V.S., the learned counsel for the petitioners as

well as Smt.Sreeja V., the learned Public Prosecutor, I am of the view that the condition insisting on one of the sureties to be the father or mother in the case of the petitioners is too onerous a condition and in the peculiar circumstances of the case is incapable of performance. Since petitioners are majors, insisting on one of the sureties to be a parent is not a reasonable condition.

4. Hence, condition No.1 imposed in the order dated 20.07.2024 in Crl.M.C.No.1976/2024 to the extent it directs one of the sureties to be the father or mother of each petitioners shall stand deleted. It is clarified that petitioners can execute a bond for Rs.1,00,000/- with two solvent and independent sureties.

Crl.M.C.is disposed of.

sd/-
BECHU KURIAN THOMAS
JUDGE

AMV/02/08/2024

APPENDIX OF CRL.MC 6328/2024

PETITIONER ANNEXURES

ANNEXURE 1	**THE TRUE COPY OF THE ORDER IN CRL M.C NO. 1976/2024 DATED 20/07/2024 OF THE 1ST ADDITIONAL SESSIONS COURT, ERNAKULAM**