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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

BAIL APPL. NO. 5208 OF 2025

CRIME NO.279/2025 OF Kilikolloor Police Station, Kollam

PETITIONER/S:

NIYAS
AGED 23 YEARS
S/O NAVAS, NN HOUSE, ASHTAMUDY PO, KOLLAM, PIN - 691602

BY ADVS.
SREERAJ M.D.
NEELANJANA NAIR

RESPONDENT/S:

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

OTHER PRESENT:

SRI NOUSHAD K A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J

B.A. No. 5208 of 2025

Dated this the 10th day of April, 2025

O R D E R

This Bail Application is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita.

2. Petitioner is an accused in Crime No 279/2025 of Kilikolloor Police Station. The above case is registered against the petitioner alleging offences punishable under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The prosecution case is that the accused was found in possession of 2.01 gms of Methamphetamine. Hence, it is alleged that the accused

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committed the offences. The petitioner was arrested on 03.02.2025.

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

5. The counsel for the petitioner submitted that the petitioner is in custody from 03.02.2025. The investigation is not over. Therefore, he is entitled statutory bail. The Public Prosecutor opposed the bail application. But, the Public Prosecutor conceded that investigation is not over. If that is the case, the petitioner is entitled statutory bail because 60 days is over and the offence alleged is only under Sec. 22(b) of the NDPS Act. Therefore, the petitioner is entitled statutory bail.

Therefore, this Bail Application is allowed with the following directions:

1. Petitioner shall be

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released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

2. The petitioner shall appear before the Investigating Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

3. Petitioner shall not leave India

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without permission of the jurisdictional Court.

4. Petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

5. The observations and findings in this order is only for the purpose of deciding this bail application. The principle laid down by this Court in ***Anzar Azeez v. State of Kerala*** [2025 SCC OnLine KER 1260] is applicable in this case also.

6. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though

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the bail is granted by this Court. The prosecution and the victim are at liberty to approach the jurisdictional court to cancel the bail, if there is any violation of the above conditions.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS