

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 14<sup>TH</sup> DAY OF MARCH 2022 / 23RD PHALGUNA, 1943

BAIL APPL. NO. 1288 OF 2022

**PETITIONER:**

ASHIK DAVIS  
AGED 18 YEARS  
S-O DAVIS, MEKADATHU HOUSE, WEST CHALAKUDY VILLAGE,  
THRISSUR, PIN - 680307

BY ADVS.  
SANJANA RACHEL JOSE  
P.K.VARGHESE  
P.S.ANISHAD  
K.R.ARUN KRISHNAN  
REGHU SREEDHARAN  
BIJU KUMAR

**RESPONDENT:**

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

BY ADV PUBLIC PROSECUTOR

SMT. SEETHA .S. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
14.03.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

BAIL APPL. Nos.1288 &  
1297 OF 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 14<sup>TH</sup> DAY OF MARCH 2022 / 23RD PHALGUNA, 1943

BAIL APPL. NO. 1297 OF 2022

**PETITIONER:**

MUHAMED HASIF  
AGED 18 YEARS  
PALATUMMAL HOUSE, KOODAPUZHA DESOM, EAST CHALAKUDY  
VILLAGE, CHALAKUDY, THRISSUR  
THRISSUR, PIN - 680307

BY ADVS.  
SANJANA RACHEL JOSE  
P.K.VARGHESE  
P.S.ANISHAD  
K.R.ARUN KRISHNAN  
REGHU SREEDHARAN

**RESPONDENT:**

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

BY ADV PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
14.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **ORDER**

Petitioners in these cases are the accused Nos.1 and 2 in Crime No.136/2022 of Koratty Police Station, Thrissur district alleging commission of offences under Sections 22(b) and 20(b)(ii)A of the NDPS Act.

2. The allegation against the petitioners is that, on 28.01.2022 at about 9.45 PM, the accused Nos.1 and 2 were found in possession of 2.100 grams of MDMA and 7.900 grams of ganja while traveling in a scooter bearing registration No. KL-64-K-2894 at a road in front of an institution named Chakkola Meries Tiles Works at Muringoor. According to the prosecution case, the petitioner obtained the contraband articles from the accused No.4 and sold the same to the accused Nos.1 and 2.

3. Learned counsel for the petitioners in these cases would content that the petitioners are absolutely innocent in the matter. It is submitted that both the petitioners are only 18 years of age and that they have been falsely implicated in the matter. It is submitted that the 3<sup>rd</sup> accused has already been granted bail by this Court through order in B.A.No.1202/2022 and that the 4<sup>th</sup>

accused in the case has already been granted bail the Sessions court, Thrissur through order in C.M.P. No.686/2022. It is submitted that considering the age of the petitioners and the fact that their detention is not necessary for the purpose of any investigation, they may be directed to be released on bail. It is also submitted that no criminal antecedents have been reported against the petitioners.

4. Learned Public Prosecutor vehemently opposes the grant of bail. The circumstances of the case appearing from the record are pointed out. It is submitted that there are serious allegations against the petitioners and they are not entitled to be released on bail.

5. Having regard to the facts and circumstances of the case and considering the fact that 3<sup>rd</sup> and 4<sup>th</sup> accused have already been granted bail in the manner indicated above, I am of the view that the petitioners can also be released on bail, taking a lenient view on account of the fact that they are only 18 years of age.

6. In the result this bail application is allowed. It is directed that the petitioners shall be released on bail, subject to

the following conditions:-

- (I) Petitioners shall execute separate bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;
- (ii) Petitioners shall appear before the investigating officer in Crime No.136/2022 of Koratty Police Station as and when called upon to do so.
- (iii) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.136/2022 of Koratty Police Station;
- (iv) Petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.136/2022 of Koratty Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-

**GOPINATH P.  
JUDGE**

BAIL APPL. Nos.1288 &  
1297 OF 2022

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APPENDIX OF BAIL APPL. 1288/2022

PETITIONER ANNEXURES

Annexure1

A TRUE COPY OF THE ORDER DATED 09.02.2022  
IN CRL.M.P NO 362/2022 OF THE HON'BLE  
SESSIONS COURT, THRISSUR

BAIL APPL. Nos.1288 &  
1297 OF 2022

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**APPENDIX OF BAIL APPL. 1297/2022**

PETITIONER ANNEXURES

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TRUE COPY OF THE ORDER DATED 09.02.2022 IN  
CRL.M.P NO 361/2022 OF THE HON'BLE  
SESSIONS COURT, THRISSUR