

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 16TH DAY OF MARCH 2022 / 25TH PHALGUNA, 1943

BAIL APPL. NO. 1105 OF 2022

CRIME NO.525 OF 2020 OF KUTTIPURAM POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

MOHAMMED SHAREEF P.K
AGED 27 YEARS
MANGOTTIRI HOUSE
KODIKUTHIPARAMBA
ANTHIYURKUNNU P.O
MALAPPURAM DIST, PIN - 673637

BY ADV P.K.MOHAMED JAMEEL

RESPONDENT/:

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

BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
ADDL.DIRECTOR GENERAL OF PROSECUTION (AG-11)

OTHER PRESENT:

SRI. ANAS K.A. (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.03.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the 12th accused in Crime No.525/2020 of Malappuram Police Station, Malappuram District, alleging commission of offences under Sections 29 and 27(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act').

2. The allegation against the petitioner is that the petitioner along with accused Nos.9, 10 and 11 conspired with accused Nos.1 to 8 to procure a huge quantity of Ganja from Andhra Pradesh. It is alleged that while accused Nos.1 to 8 had gone to Andhra Pradesh to procure the Ganja, accused Nos.9 to 12 including the petitioner herein had financed the entire transactions by paying various amounts to accused No.1.

3. The learned counsel appearing for the petitioner would submit that the petitioner is absolutely innocent in the matter. It is submitted that there is absolutely no evidence to connect the petitioner with the crime in any manner. It is submitted that there is no evidence whatsoever collected by the prosecution to show that the petitioner had paid any amount to the 1st accused. It is submitted that the petitioner has been in custody from 21.11.2021 and his continued detention is, any way, not necessary for the purposes of any investigation as a final report has already been filed in the matter.

4. The learned Public Prosecutor opposes the grant of bail. It is pointed out that the specific allegation against the petitioner is that under Section 27A of the NDPS Act. It is submitted that there are materials which

have been collected by the prosecution to establish that the petitioner had financed the procurement of narcotic drugs by accused Nos.1 to 8. It is submitted that, even if this part is ignored, the petitioner had helped accused Nos.6 to 8 to flee from the spot in his vehicle and had also harboured them and which shows that he has direct involvement in the matter. It is submitted that even in respect of an offence under Section 27A of the NDPS Act, the rigour of Section 37 applies.

Having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am clearly of the view that the petitioner has not made out any ground to hold that the petitioner has satisfied the twin conditions in Section 37 of the NDPS Act for grant of bail.

The bail application fails and it is accordingly dismissed.

sd/-

**GOPINATH P.
JUDGE**

acd

APPENDIX OF BAIL APPL. 1105/2022

PETITIONER ANNEXURES

Annexure1	THE TRUE COPY OF THE ORDER IN B.A NO. 9020/2020 DATED 18.01.2021
Annexure2	THE CERTIFIED COPY OF THE ORDER IN CRL.M.P NO. 770/2021 DATED 01.09.2021 OF SPECIAL COURT FOR SC/ST (POA) & NDPS ACT CASES, MANJERI