

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943

BAIL APPL. NO. 1618 OF 2022

CRIME NO.120/2022 OF THONDERANADU POLICE STATION, WAYANAD

PETITIONER/2ND ACCUSED:

SHIHABUDHEEN, AGED 30 YEARS, SH HOUSE,
PAYYANNUR, KANKOL, PAYYANNUR, KANNUR DISTRICT,
PIN - 670307

BY ADVS.
ABRAHAM GEORGE JACOB
C.MURALIKRISHNAN (PAYYANUR)
AKSHAY R

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031
- 2 SUB INSPECTOR OF POLICE, THONDERNADU
THONDERNADU POLICE STATION, WAYANAD, PIN -
670731

BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. T.R. RENJITH (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 120 of 2022 of Thondernadu Police Station, Wayanad District, which was registered alleging commission of offence punishable under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The allegation against the petitioner is that while the petitioner was travelling along with the 1st accused, on the basis of some suspicion, the Sub Inspector of Police, Thondernadu Police Station, stopped the car and searched the 1st accused and found 0.62 grams of MDMA from him.
4. The learned counsel for the petitioner would submit that going by the materials on record, there is no recovery of contraband from the petitioner. It is submitted that the petitioner is absolutely innocent in the matter and that the only allegation against the petitioner is that a Rs.10/- note, which contains traces of MDMA, was recovered from the petitioner. It is further submitted that the petitioner has been in custody for 46 days as on today and that his continued detention is not necessary for the purpose of any

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investigation.

5. The learned Public Prosecutor vehemently opposes grant of bail. The circumstances appearing in the case are pointed out from records. It is submitted that the MDMA along with a glass pipe and the Rs.10/- note mentioned above were recovered from the possession of the accused. It is further submitted that there are sufficient materials to show that the petitioner and the 1st accused were involved in the use of MDMA.
6. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been in custody for 46 days, I am inclined to grant bail to the petitioner. I also take note of the fact that no criminal antecedents are reported against the petitioner. The continued detention of the petitioner does not appear to be necessary for the purpose of any investigation.

In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

- (a) The petitioner shall execute bond 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

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court;

(b)Petitioner shall appear before the investigating officer in
Crime No. 120 of 2022 of Thondernadu Police Station,
Wayanad District, whenever called upon to do so;

(c)The petitioner shall not attempt to interfere with the
investigation or to influence any witness in Crime No. 120
of 2022 of Thondernadu Police Station, Wayanad District;

(d)The petitioner shall not involve in any other crime while on
bail.

If any of the aforesaid conditions is violated, the investigating
officer in Crime No. 120 of 2022 of Thondernadu Police Station,
Wayanad District, may file an application before the jurisdictional
court for cancellation of bail.

Sd/-

GOPINATH P.

JUDGE