

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 28TH DAY OF MARCH 2022 / 7TH CHAITHRA, 1944

BAIL APPL. NO. 8118 OF 2021

CRIME NO.404/2021 OF PUDUKKAD POLICE STATION

AGAINST THE ORDER/JUDGMENT IN CRMC 1473/2021 OF DISTRICT COURT &
SESSIONS COURT, THRISSUR

PETITIONER/ACCUSED NO.4 (in custody):

AKHIL KRISHNAN
AGED 28 YEARS
S/O.KRISHNAN, KAMBILYPARAMBIL VEEDU, ALUNGAL,
MUPPATHADOM P.O., KADUNGALLUR VILLAGE, ERNAKULAM
DISTRICT.

BY ADV K.K.VINOD

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

OTHER PRESENT:

SMT. SEETHA .S. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.03.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. The petitioner is the 4th accused in Crime No.404/2021 of Pudukkad Police Station, Thrissur District, alleging commission of offences under Sections 20(b)(ii), C,25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act.

3. The allegation against the petitioner is that on 01.08.2021, accused Nos.1 and 2 were found transporting 154.3 Kgs of Ganja from Tamil Nadu to Kerala and they were apprehended with the Ganja while they were near the Toll Plaza at Paliyekkara. Following investigation, it is alleged that the police got information that the petitioner/4th accused had financed the purchase of ganja and several amounts were transferred by the petitioner to the 2nd accused for the purchase of ganja.

4. Learned counsel appearing for the petitioner submits that the petitioner is absolutely innocent in the matter and has been roped in on the basis of some misunderstanding. It is submitted that the petitioner had transferred money to the 2nd accused only in connection with a vegetable business which was commenced during the lock down period. It is submitted that the petitioner has no connection whatsoever with the ganja found from the possession of accused Nos.1 and 2. It is submitted that the mother of the petitioner, who is suffering from cancer requires the care of the petitioner during her difficult times as there is no one else to take care of her. It is

submitted that the considering the above, this court had inclined to grant interim bail to the petitioner by order dated 23.02.2022 in this bail application.

5. Learned Public Prosecutor opposes the grant of bail. It is submitted that considering the provisions of Section 37 of the NDPS Act, the petitioner is not entitled to be released on bail. It is submitted that there are no reasonable grounds to believe that the petitioner is not guilty of the offences alleged against him. It is submitted that the investigation conducted thus far reveals that the petitioner and the 3rd accused were accompanying the vehicle from which the ganja was seized from the time the vehicle entered Palakkad. It is submitted that there are clear materials collected by the prosecution which suggest that the petitioner had financed the purchase of ganja by transferring money to the 2nd accused. It is submitted that the petitioner is not entitled to be released on bail. It is submitted that final report has already been filed in the matter.

6. This Court by order dated 23.2.2022 granted interim bail to the petitioner on account of the fact that the mother of the petitioner was suffering from cancer and a surgery was fixed on 24.2.2022. The petitioner was released on interim bail and he continued on interim bail till 24.3.2022. The learned Public Prosecutor confirms that the petitioner is back in custody from 24.3.2022.

7. Having regard to the facts and circumstances of the case and considering the fact that a final report has already been filed in the matter, I feel that it may be appropriate for the petitioner to move the trial Court for

bail, if so advised.

This bail application will stand disposed of directing that, if the petitioner files any application before the trial Court for bail, the same may be considered and disposed of in accordance with law without undue delay.

sd/-

GOPINATH P.
JUDGE

acd