

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 8TH DAY OF APRIL 2022 / 18TH CHAITHRA, 1944

BAIL APPL. NO. 2743 OF 2022

CRIME NO.12/2022 OF ERNAKULAM EXCISE RANGE

PETITIONER/SOLE ACCUSED:

ASHIK T SURESH
AGED 24 YEARS
S/O. SURESH V.V.,
THEKKECHERUVILVEEDU, KANCHIYAR, KANCHIYUR
P.O., .IDUKKI, PIN - 685511

BY ADVS.
M.B.SHYNI
V.R.ANILKUMAR
R.RAJESH KUMAR
PAREETH LUTHUFIN K.B.
RAMEES P.K.
ERFANA PARAMBADAN

RESPONDENT/COMPLAINANT:

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

SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08.04.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

GOPINATH.P, J

B.A. No. 2743 of 2022

Dated this the 08th day of April, 2022

ORDER

The petitioner is the sole accused in Crime No. 12/2022 of Excise Range Office, Ernakulam District alleging commission of offences punishable under Sections 22(b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The allegations against the petitioner is that he was found in possession of 0.76 milligrams of LSD and thereby he committed the offences alleged against him.

3. Learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter and that he has been falsely implicated. It is submitted that the petitioner is a student and after completing his B.Tech course, he is now undergoing a course at Aadi Institute of Quality Engineering for a Diploma in Oil and Gas. It is submitted that the petitioner has been in custody for 58 days and his continued detention is not necessary for the purposes of any investigation as final report has already been filed in the matter.

3. Learned Public Prosecutor opposes the grant of bail. The facts and circumstances are pointed out. It is submitted that the petitioner was involved in an earlier case under the NDPS Act, in the year 2018.

4. Learned counsel for the petitioner submits that the earlier case concerns a small quantity of a narcotic drug and that case was closed in the year 2019 itself. It is submitted that the said case cannot be taken as a ground to deny bail to the petitioner in this case.

5. Having regard to the facts and circumstances of the case, and considering the nature of the allegations and taking a lenient view on account of the fact that the petitioner is a student, I am of the view that the petitioner can be granted bail subject to conditions.

6. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a 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 Court;

(ii) The petitioner shall report before the Investigating officer in Crime No. 12/2022 of Excise Range Office, Ernakulam District as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No. 12/2022 of Excise Range Office, Ernakulam District;

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

If any of the aforesaid conditions are violated, the Investigating officer in Crime No. 12/2022 of Excise Range Office, Ernakulam District may file an application before the jurisdictional Court for cancellation of bail.

Sd/-**GOPINATH.P**
JUDGE

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