
(2021) 02 KL CK 0044

In the High Court Of Kerala

Case No : Bail Application No. 1880 Of 2021

Abdulla @ Saddam @ Saddu

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 22-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21(b), 37

Indian Penal Code, 1860 — Section 326

Citation : (2021) 02 KL CK 0044

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : T. Madhu, C.R. Saradamani, V. Sreeja

Final Decision : Allowed

Judgement

1. Application for regular bail under Section 439 of Cr.P.C. The applicant is the sole accused in Crime No.13/2021 of Manjeswar Police Station,

Kasargod for having allegedly committed offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case, in brief, is that while the Station House Officer, Manjeswar Police Station and his party were on patrol duty checking

vehicles on 05.01.2021 at about 9.35 p.m. applicant was found travelling on a motorcycle bearing registration No. KL 14 T 6382 and on inspection

1.140 grams of MDMA was recovered from him in contravention of the aforesaid provisions of the NDPS Act. The applicant was arrested and

remanded to judicial custody and continues in remand.

3. The applicant states that he is innocent and the allegations are not true. He has no criminal antecedents of similar nature. Moreover, his father

passed away on 12.02.2021 while he was in custody. Therefore, he may be released on bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor admits that the applicant has no criminal antecedents of similar nature. But he is involved in another crime in the

year 2019 for having committed an offence punishable under Section 326 of IPC.

After having heard the submissions made on both sides, I find that the applicant was in possession of only intermediary quantity of contraband articles

and therefore the rigor under Section 37 of NDPS Act is not attracted in this case and considering the fact that he has been in custody for more than

a month, the Bail Application is allowed and the applicant is directed to be released on bail on execution of bond for Rs.1,00,000/- (Rupees one lakh

only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall not get involved in similar cases during the currency of the bail.

(ii) He shall appear before the investigating officer as and when called for.

(iii) He shall not tamper with evidence, intimidate or influence the witnesses.

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court.