
(2021) 04 KL CK 0189
In the High Court Of Kerala
Case No : Bail Application No. 2770 Of 2021

Afzal P. M

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 27-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 22(b), 22(c), 60(3), 37

Citation : (2021) 04 KL CK 0189

Hon'ble Judges : Kauser Edappagath, J

Bench : Single Bench

Advocate : T. Gopalakrishnan, M. R Dhanil

Final Decision : Dismissed

Judgement

1. This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.
2. The petitioner is the accused in Crime No.48/2020 of Excise Enforcement and Anti-Narcotics Special Squad, Thrissur. The offences alleged are under Sections 22(b), 22(c) and 60(3) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The prosecution case in short is that on 18.11.2020 at about 11.50 P.M, the petitioner was found in possession of 0.2150 g. of LSD stamp and 13.2840 g. of MDMA ecstasy and 0.6280 g. of MDMA Crystal in contravention of the NDPS Act and thereby committed the offence.
4. Heard both sides and perused the case diary.
5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor

opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that the accusation made against the petitioner is well founded. The allegations made against him are very serious in nature and it prima facie show a premeditated criminal act on his part. The petitioner was remanded to judicial custody on 18.11.2020. The investigation is in a preliminary stage. The quantity involved is commercial quantity. Since the quantity involved is commercial quantity, the jurisdiction of this Court to grant bail is circumscribed by the provisions of the Section 37 of the NDPS Act. On a perusal of record, I find that ,there are no substantial or probable cause for believing that the accused is not guilty of the offence charged. The contraband article was seized from the possession of the petitioner. The petitioner has not been able to point out the existence of any such facts or circumstances as are sufficient to justify regarding a finding that he is not guilty of the offence charged. As rightly argued by the learned Public Prosecutor, the possibility of the petitioner influencing the witnesses and interfering with the investigation cannot be ruled out if he is released on bail. Having regard to the nature of the

crime, the manner in which the petitioner is alleged to have complicity in it and the present stage of the investigation, I am of the view that the petitioner cannot be released on bail at this stage. The application is only to be dismissed.

In the result, the bail application is dismissed.