
(2023) 03 KL CK 0213

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 2282 Of 2023

Deepal Vivek @ Deepal Vivekanandan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 22-03-2023

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 22(b), 29

Citation : (2023) 03 KL CK 0213

Hon'ble Judges : V.G.Arun, J

Bench : Single Bench

Advocate : Smruthi Sasidharan, V.P.Brijesh, Aswathy Amby, Renjith George

Final Decision : Disposed Of

Judgement

V.G.Arun, J

1. The petitioner is the 2nd accused in S.C No.1227/2022 on the files of the Additional District & Sessions Court – VII, Ernakulam. The case arose from Crime No.21/2022 of the Excise Range, Ernakulam registered for the offences punishable under Sections 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that 4 MDMA Tablets weighing a total of 2.175 gram was seized from a cover addressed to the petitioner, through DTDC courier. Following the seizure, the 1st accused was arrested. The petitioner was not arrested and no contraband was recovered from his possession. The petitioner claims to have co-operated with the investigation also. The CrI.M.C is necessitated since he came to know that a non-bailable warrant is pending against him and the Sessions Case is posted on 29.03.2023. The petitioner is willing to surrender before the court and move an application for bail, but is apprehensive that the court may not consider the application on the same day, which would result in the petitioner being sent to custody.

3. Learned counsel for the petitioner asserts that the petitioner had co-operated

with the investigation and had never absconded. It is hence submitted that the Special Court may be directed to consider the petitioner's application for bail on 29.03.2023, that is the next posting date of the case.

4. Learned Public Prosecutor submitted that, it should be left for the Special Court to take appropriate decision on the bail application.

The CrI.M.C is accordingly disposed of, permitting the petitioner to surrender before the Additional District & Sessions Court – VII, Ernakulam in S.C No.1227 of 2022 on 29.03.2023 and to move an application for bail, with advance notice to the Public Prosecutor. If so, the learned Special Judge shall consider the bail application on the date of surrender and pass appropriate orders on the same day.