
(2023) 12 KL CK 0052
In the High Court Of Kerala
Case No : Bail Application No. 9809 Of 2023

Muhzin Fayaz Naji T

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 06-12-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(B)II A, 22(c),
29(1)

Citation : (2023) 12 KL CK 0052

Hon'ble Judges : Mohammed Nias C.P., J

Bench : Single Bench

Advocate : M.Devesh, T.V. Neema

Final Decision : Dismissed

Judgement

Mohammed Nias C.P., J

1. This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail.
2. The petitioner is the 2nd accused in Crime No. 650 of 2023 of Valanchery Police Station, Malappuram District, for having committed offences punishable under Sections 20(B)II A, 22(c) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act.
3. The allegation against the petitioner is that on 24.06.2023 at 23:35 hours, the petitioner, along with the other accused, was found in possession of 11.03 grams of MDMA and 2.38 grams of ganja oil in a car bearing registration number KL 60 F 6017 at Kodumudi, Pattambi Valanchery road in Malappuram District.
4. The learned counsel appearing for the petitioner submitted that the petitioner is totally innocent and falsely implicated with ulterior motives. At any rate, he points out that the accused is in custody from 24.06.2023, and continued custody of the petitioner is unnecessary.

5. The learned public prosecutor opposed the petition.

6. Considering the fact that the chemical analysis report dated 6.10.2023 shows that the seized contraband - Methamphetamine is in an intermediate quantity and the rigour of S.37 of the Act not applying, the petitioner has been in custody since 24.06.2023, and there are no criminal antecedents reported against the petitioner, I am inclined to grant bail to the petitioner.

Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

- (i) The petitioner shall be released on bail on executing a bond for 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 every Saturday between 9 a.m. and 10 a.m. till the final report is filed;
- (iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;
- (iv) The petitioner shall not be involved in any other crime while on bail.
- (v) The petitioner shall surrender his passport, if any, within seven days from the date of his release before the Court concerned, and if the release of the passport is required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the court having jurisdiction. If he has no passport, he shall file an affidavit to that effect before the court concerned on the date of execution of the bond or within three days thereafter.
- (vi) The petitioner shall furnish his present address and mobile phone number to the court concerned and the Investigating Officer.
- (vii) If any of the conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law;