

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3038 OF 2021

CRIME NO.11/2021 OF Parappanangadi Excise Range Office ,
Malappuram

PETITIONER/ACCUSED:

RAFI
AGED 42 YEARS
SON OF SAIDALI KUTTY, KOOTTALINTE PURAKAL
ARIYALOOR P.O , THIROORANGADI TALUK
676306

BY ADV. SRI.R.RANJITH (MANJERI)

RESPONDENT:

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

R1 BY PUBLIC PROSECUTOR SRI.M.R.DHANIL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021

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.11/2021 of Parappanangady Excise Range. The offences alleged are under Sections 20(b)(ii)(B) of the NDPS Act.

3. The prosecution case in short is that on 23/3/2021 the petitioner was found in possession of 3.23 kilograms of dry Ganja in contravention of the NDPS Act and Rules 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 *prima facie* there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on 23/3/2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

- (i) The petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.
- (ii) The petitioner shall fully co-operate with the investigation.
- (iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.
- (iv) The petitioner shall not commit any offence of like nature while on bail.
- (v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any

other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

sd/-

DR. KAUSER EDAPPAGATH

Rp

True Copy

JUDGE

PS to Judge