

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

BAIL APPL. NO. 10987 OF 2023

CRIME NO.1558/2023 OF Kilikolloor Police Station, Kollam

PETITIONER/ACCUSED NO.4:

MUHAMMED MAHIN, AGED 31 YEARS,
S/O MUHAMMED HUSSAIN, THAMANA MANZIL,
ANUGRAHA NAGAR, KALLUMTHAZHAM P.O,
KILLIKOLLOR, KOLLAM,
NOW RESIDING AT RENTED HOUSE NEAR MANJAKKUZHY
THAIKKAVU, KULAPPADA, KOLLAM, PIN - 695542.

BY ADV M.R.SARIN

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

SMT.T.V.NEEMA SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.12.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.PRATHEEP KUMAR, J.

Bail Application No.10987 of 2023

Dated this the 29th day of December, 2023

ORDER

1. This is an application for regular bail filed under Section 439 Cr.P.C by the 4th accused involved in Crime No.1558 of 2023 of Kilikollor police station, Kollam. The offences alleged against the petitioner are under Sections 20(b), 2(b) r/w 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The Prosecution case is that on 09.11.2023, at around 5.40 p.m., the petitioner along with other accused persons were found in possession of 4.302 Kilograms of ganja, which they were transporting in a car. The accused has been in custody since 09.11.2023.
3. According to the learned counsel for the petitioner, this is a false case foisted against him and also that he is innocent.
4. On the other hand, the learned Public Prosecutor opposed the application. However she would admit that there is no criminal antecedents against the petitioner.

5. Considering the fact that the petitioner has been in custody since 09.11.2023 and there are no criminal antecedents against him, I am inclined to allow this application, subject to the following conditions :-

(i) The petitioner is released on bail on executing bond for Rs.50,000/- (fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Court below.

(ii) The petitioner shall report before the Investigating Officer on every Tuesday between 10.00 am and 11.00 am till the final report is filed or till the end of January, 2024, whichever is earlier.

(iii) The petitioner shall co-operate with the investigation. He shall not intimidate or influence the witnesses or tamper with the evidence.

(iv) The petitioner shall not involve himself in similar offence while on bail.

akv

Sd/- C.Pratheep Kumar
Judge

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APPENDIX OF BAIL APPL. 10987/2023

PETITIONER ANNEXURES

ANNEXURE A1

THE TRUE COPY OF THE COMMON ORDER PASSED IN
CRIMINAL M.C NOS 2443/2023, 2451/2023 DATED
22/11/2023