

SESSIONS DIVISION, KOLLAM
IN THE PRINCIPAL SESSIONS COURT
Present: Smt. M.B. Snehalatha, Prl. Sessions Judge, Kollam
Tuesday the 25th day of October, 2022/03rd Karthika, 1944

Crl. M.C. No. 2074/2022 in
Crime. No. 19/2022 of Excise Range Office, Kollam

Petitioner : Manu Raj, Aged. 25 years, S/o. Rajeev, 9/1,
Jayanthi Colony, No. 1 Pambalil, Perinad
P.O, Kollam. (A3)

By Adv. Kampiyil.K.Vipin Mohan Unnithan

Respondent : State of Kerala represented by the Excise
Inspector, Excise Range Office, Kollam
through the Public Prosecutor, Kollam.

This petition is filed u/s 439 of Cr. P.C having come up for consideration on 25-10-2022, on the same day the court passed the following.

ORDER

Application under Section 439 Cr.P.C. seeking regular bail.

2. Petitioner is A3 in Crime No. 19/2022 of Excise Range Office, Kollam, registered for the offences punishable under Sections 22(a), 22 (b) and 20 (b) (ii) A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Prosecution case is that on 11.09.2022 at 1.10 p.m., when the Excise Inspector, Kollam and his party were on patrolling duty

and when they reached in front of the gate of Asset Home Flat near Uliyakkovil, A3 was found engaged in sale of narcotic drugs to A1 and A2. On seeing the excise officials, A3 took to his heels abandoning his bullet there. A1 and A2 were found in possession of 0.3558 grams of MDMA, which they had kept in a scooter bearing Reg. No. KL 02/BA—6110. On inspection of the motorcycle of A3 bearing Reg. No. KL 02/BP—5016, 20 grams of ganja was seized. Thereafter, upon search of the house of A3, 2.150 grams of MDMA was seized. Accused thereby committed the aforementioned offences.

4. Petitioner/A3 was surrendered before this court on 23.09.2022 and he is in judicial custody of this court.

5. It is contended by the petitioner/A3 that he is innocent and was falsely implicated in the above crime due to personal vengeance of police officers. The investigation of the case is almost completed and further custody is not necessary. The instant one is the second application for bail. Petitioner/A3 is ready to abide by any conditions which may be imposed by this court in the event of granting bail.

6. The learned Public Prosecutor vehemently opposed the application for bail reiterating the prosecution allegations. In the factual report filed by the investigating officer, it has been stated that if the

petitioner/A3 is released on bail, he may again indulge in similar offences and tamper with the evidence by influencing the witnesses.

7. Heard the learned counsel for the petitioner/A3 and the learned Public Prosecutor.

8. Perused the Case Diary made available by the prosecution and the factual report filed by the investigating officer.

9. Prima facie, there are sufficient materials showing the involvement of the petitioner/A3 with the crime alleged. Prosecution records would prima facie reveal the seizure of 20 grams of ganja kept by the petitioner/A3 in his motorcycle and 2.150 grams of MDMA from his residence. Drug abuse is on the rise and it is a serious concern of the society.

10. Liberal approach in the matter of bail under NDPS Act is uncalled for. An in-depth probe is necessitated in this matter and the source of MDMA and ganja seized from the petitioner/A3 is to be thoroughly investigated. I find merit in the objection raised by the prosecution that if the petitioner/A3 is released on bail at this stage of investigation, he may again indulge in similar offences and tamper with the evidence by influencing the witnesses. Having regard to the nature and gravity of the offences alleged against the petitioner/A3, the deleterious, harmful and deadly impact of the offence in the society, the severity of

punishment in the event of conviction and the possibility of repeating similar offences by him, if enlarged on bail, I am not inclined to grant bail to the petitioner/A3 at this stage of investigation.

Hence, this petition for bail stands dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open Court on this the 25th day of October, 2022.)

M. B. Snehalatha,
Sessions Judge.

Copy to: The Excise Inspector, Excise Range Office, Kollam.

Typed by : Vineetha. R
Compared by : Adya. G.S

