

**IN THE COURT OF SESSIONS, ERNAKULAM DIVISION**

*Present:-*

**Sri. Syamlal S.R, Additional Sessions Judge – II**

Friday, 6<sup>th</sup> day of February, 2026/17<sup>th</sup> Magha, 1947

**Crl.MP No.4968/2025 in SC No.1645/2023**

(OR No.02/2023/NCB/SZ/COK of Narcotics Control Bureau, Cochin  
Zonal Unit)

**Petitioner/**

**Accused No.10:**

Naveen Fogat, S/o.Karambir Singh, House  
No.D-711, Chawla Colony, Ballabhagarh,  
Raridabad, Haryana-121 004.

**By Advs. Anand Kumar, Aditya Giri**

**Respondent/**

**Complainant:**

Union of India through Intelligence Office,  
Narcotics Control Bureau, Cochin Zonal Unit.

**By Special Public Prosecutor Sri. Sunil J**

This petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhitha praying this Court to grant regular bail to the petitioner.

This petition coming on for hearing on 03.02.2026 and the Court on 06.02.2026 passed the following:

**ORDER**

This application is for bail filed u/s.483 of BNSS by accused No.10 in SC No.1645 of 2023 of NCB, Cochin Zonal Unit. The offences alleged against the accused No.10 / petitioner are u/s 8 (c) read with 22(c), 27A, 28 and 29 of the NDPS Act.

2. Prosecution case in brief, is stated as follows:- Accused Nos. 1 to 10 entered into a criminal conspiracy and in prosecution of that criminal conspiracy, sent a parcel containing 5.5 grams of LSD in the name of Accused No. 1 from Gurugram to the Kadavanthara post office. It is further alleged that on conducting a search of the car of Accused Nos. 5 and 6, 80 grams of ganja was seized. Therefore, it is alleged that the accused committed the aforesaid offences.

3. The petitioner / Accused No. 10, was arrested on 20.06.2025 on his production before the court on a production warrant.

4. Heard both sides.

**The points for consideration are:-**

1. Whether the petitioner is entitled to bail?
2. What is the final order to be passed?

5. **Point No.1:-** The counsel for the petitioner argued that the petitioner is entitled to bail since arrest intimation was not given to his relatives and also on the ground that the other accused are already on bail.

6. Additional Public Prosecutor opposed the bail application on the ground that the offences committed by the petitioner are grievous in nature. He further argued that the petitioner is an accused in other similar crimes.

7. It is an admitted fact that the accused was arrested when he was

produced before the court on a production warrant. The prosecution has no case that arrest intimation was given to any of the relatives of the petitioner. In the decisions in **Baby v. State of Kerala, (2025 KER 73193), and, Ahammad Ali P.P. v. State of Kerala, (2025 KER 73662)** the Hon'ble High Court of Kerala held that even if the arrest of the accused is effected on his production before the court on a production warrant, arrest intimation should be given to his near relatives. In this case, no arrest intimation was given to the relatives of the accused No. 10. Since the mandatory requirement of giving arrest intimation to the relatives of the accused was not complied with, the accused is entitled to be released on bail. Furthermore, all the other accused are already on bail. Therefore, on the ground of parity also, the petitioner is entitled to bail.

8. **Point No. 2:-**

In the result, the petition is allowed.

The petitioner is granted bail on the following conditions.

1. The petitioner shall execute a bond for Rs.1,00,000/- with two solvent sureties each for the like sum before the Jurisdictional Magistrate. The sureties shall produce their original title deeds for verification at the time of execution of the bail bond.
2. The petitioner shall not leave India without the prior permission of the jurisdictional Court.

3. The petitioner shall surrender his passport before the Jurisdictional Magistrate within 7 days of his release, and if he does not have a passport, he shall file an affidavit to that effect within 7 days of executing the bail bond.
4. The petitioner shall not make any inducement, threat or promises to any of the prosecution witnesses.
5. The petitioner shall not commit any similar offence while on bail.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 6<sup>th</sup> day of February 2026.

Sd/-  
**Syamlal S R**  
**Additional Sessions Judge-II**

Typed by: Sindhu.S.T.  
Comp.by:

**CrI.MP No.4968/2025 in**  
**SC No.1645/2023**  
**Order dated: 06.02.2026**