

KADK010008082022



**In the Court of Principal District and Sessions
Judge, D.K., Mangaluru.**

-:Present:-

Sri Basavaraj, B.Com., LL.M.,
Principal District and Sessions Judge

Dated: This the 2nd day of July, 2026.

Spl.C/23/2022

Complainant: The State,
By Ullala Police Station,
Rep. by Public Prosecutor,
D.K. District.

(By Learned Public Prosecutor)

Versus

Accused No.1: Fazal P.M.,
S/o. Mohammed Ali,
Aged about 27 years,
R/at Mohammed Ali Manzil,
Pachilambar, Uppala,
Kasaragod District,
Kerala State.

(Sri.A. Krishna Maniyani, Advocate)

i	Provision under which the application is filed	U/S.439 of Cr,P.C.
ii	Relief sought for	Regular bail.
iii	The date on which the application is filed	23.06.2026

iv	Number of the application	Fourth
v	The date on which the objections are filed by different opponents	30.06.2026.
vi	The date on which the orders were passed on the said application	02.07.2026.

ORDER

This is the second bail application filed by the Accused No.1 u/Sec. 439 of Cr.P.C. for grant of regular bail in Spl. Case No.23/2022 (Crime No.76/2021 of Ullala P.S.) registered for the offences punishable u/sec 8(c), 21(b) of NDPS Act, 1985. The first bail application filed by the accused No.1 was allowed during crime stage on 21.04.2021.

2. The learned Public Prosecutor filed objections to the bail application along with report of Investigating Officer.

4. Heard and perused the records.

5. The points that would arise for consideration are as under:

1) Whether the Accused No.1 is entitle for grant of regular bail?

2) What Order?

6. My finding to the above points are as follows:

Point No.1 : In the Affirmative

Point No.2 : As per final order, for the following:

REASONS

7. **Point No.1:** The charge sheet reveals that on 27.03.2021 at 9.20 a.m. at Thachani, Talapady Village of Mangaluru Taluk the accused No.1 parked the Scooter bearing Reg.No.KL-14/Z-6808 in front of road of Village Bar and kept the 0.88 grams and 0.81 grams of MDMA in two small packets under the dickey of the scooter seat for the purpose of sale and the accused No.2 parked the Maruthi Swift Car bearing Reg.No.KL-14/Q-4030 by side of road and kept 0.85 grams of MDMA in small pack in the car dashboard and at the time of waiting for customers, the CW-1 with the help of police officials and panchas seized in total 2.54 grams of MDMA (Methamphetamine), scooter, car and three mobiles phones and seized MDMA is turned out to be Methamphetamine as per FSL Report. Therefore the accused No.1 & 2 have committed an offence punishable u/Sec. 8(c), 21(b) of the NDPS Act 1985.

8. As stated above, the first bail application filed by the accused No.1 was allowed on 21.04.2021. Subsequently, the accused No.1 remained absent on many occasions and his exemption applications were also dismissed and hence NBW came to be issued against the accused No.1, notice and FLW to his sureties. On 09.06.2026, the accused No.1 was produced before the court under NBW and he was taken to custody.

9. Now the accused No.1 has come up with this bail application seeking regular for the second time.

10. In the application, the Accused No.1 has stated that he has been granted regular bail in this case and he is punctual in attending the above said court, but due to some unavoidable circumstances he was failed to appear before the court. The absence of the accused is neither intentional nor deliberate, but bonafide reason beyond his control. He is the only earning member of his family, who are entirely depending on his income for their livelihood. Now he understood what is right and wrong, due to his own fault. The investigation is completed and charge sheet has been filed. He is in judicial custody since from 09.06.2026 and he is ready to offer surety for his release on bail. So, prays to allow the application.

11. The learned Public Prosecutor has filed objections to the application contending that there are reasonable grounds to believe that the Accused No.1 has committed alleged offences. The police have seized contraband, mobile phones, car, scooter and other properties from the possession of accused No.1 and 2 in the presence panchas and reported the same to the court. The seized contraband is turned out to be Methamphetamine as per the FSL report. Earlier the accused No.1 was released on bail and later he absconded and violated the bail conditions and on 10.06.2026 he was produced before

the court under NBW. Since the accused No.1 has violated the bail conditions u/s 229(A) of IPC, his bail bond amount is liable to be confiscated. So prays to reject the application.

12. This is the second bail application filed by the accused No.1. After he released on bail, he remained absent on many occasions and his E.Ps were rejected and hence NBW came to be issued against him. On 09.06.2026, the accused No.1 was produced before the court under NBW and he is remanded to judicial custody. Since then he is in judicial custody. In the application the accused No.1 has not whispered why he was absent. However, the accused No.1 jumped bail for the first time, hence another opportunity has to be granted to him and he has to be released on bail on suitable conditions. Hence, Point No.1 is answered in the Affirmative.

13. **Point No.2:** In view of reasons and finding given on Point No.1, this Court proceeds to pass the following:

ORDER

The bail application filed by the Accused No.1-
Fazal P.M. u/Sec.439 of Cr.P.C. is allowed.

The Accused No.1 is released on bail in this case, on his execution of personal bond of Rs.1,00,000/- with two local sureties for the like-sum, subject to the following conditions:

1) He shall not commit similar offence.

- 2) He shall not abscond.
- 3) He shall not tamper the prosecution witnesses by exercising threats, inducements or otherwise.
- 4) He shall not destroy the prosecution evidence.
- 5) He shall appear before the court regularly on all the dates of hearing except his presence is exempted.
- 6) He shall produce his passport on or before the next date of hearing. If he did not possess the same, he has to file an affidavit to that effect on or before the next date of hearing. If he failed to so, then the bail will be cancelled.
- 7) He shall produce address proof documents such as Voters ID or Aadhaar Card pertaining to him and his surety on or before the next date of hearing. If he failed to produce the same, then the bail will be cancelled.
- 8) He shall furnish his residential address and shall inform the court, if there is change in the address.
- 9) He shall furnish his mobile number, Whats-App number and e-mail ID (if available).
- 10) He shall deposit a sum of Rs.3,000/- with DLSA, D.K. District as cost.

(Dictated to the Stenographer Grade-III, typed by her directly on computer, corrected and signed by me and then pronounced in the open court on this the 2nd day of July, 2026).

(Basavaraj)
Principal District & Sessions Judge,
D.K., Mangaluru.