

IN THE COURT OF THE SESSIONS DIVISION, PALAKKAD
Present:- Smt.Sujayamma. V.B, Additional Sessions Judge -III

Thursday, the 16th day of April, 2026
(26th day of Chaithra, 1948 S.E.)

Criminal Miscellaneous Petition No.1/2026
in SC No.268/2024
(Crime No.53/2023 of EE&ANSS, Palakkad)

Petitioner/ 3rd Accused :

Shajahan, aged 44 years, S/o. Muhammed Ali, Moolackal Purayidom,
Anappara, Kumbazha Muri, Pthanamthitta Village.

Vs.

Respondent/Complainant :

State of Kerala represented by the Public Prosecutor, Palakkad.

This petition filed u/s. 483 of BNSS, 2023 for granting bail to the petitioner/ 3rd accused in the above crime.

This application coming on this day for orders, upon perusing the petition and after hearing Advocate P.A. Hansalah Mohammed for the petitioner and the Addl. Public Prosecutor on behalf of the State, this court passed the following:-

ORDER

This is a bail application filed by the 3rd accused u/s 483 of Bhrathiya Nagarik Suraksha Sanhitha, 2023

2. The prosecution allegation in brief are as follows : The accused nos. 1 to 3 hatched a criminal conspiracy for transportation of ganja from Andhrapradesh to Kerala for sale and in pursuance of that criminal conspiracy, accused nos. 1 & 2 procured ganja from Andhrapradesh as per the direction of 3rd accused, and on 12-09-2023 at 2.35 pm, at Palakkad Junction Railway Station, the accused No. 1 and 2 were found in possession of and transporting 30.240 kgs of ganja. The investigation revealed that the third accused funded to purchase the ganja and as per his direction the accused nos. 1 & 2 were transporting it for sale in Kerala. The accused have thereby committed the offence punishable u/s.20(b)(ii)(C) & 29 of the NDPS Act.

3. The 3rd accused was absconding. He was arrested in connection with Crime No.1016/2024 of Adoor Police Station and he was in judicial custody at Special Sub Jail, Kottarakkara. He was produced before this court on production warrant and he was remanded in this case on 27-07-2024 and ever since he is in judicial custody in this case.

4. Heard the learned counsel for the 3rd accused and the Addl. Public Prosecutor and perused the case records and report submitted by the investigating officer.

5. The learned counsel for the petitioner argued that there is no scope in continuing the petitioner in judicial custody as the charge has been filed and the petitioner is under custody for the last 608 days. The petitioner is falsely implicated in the case on the basis of confession statement given by the other accused while they were in in custody. Prosecution has not produced any document to connect the accused with the present case. The petitioner is ready and willing to cooperate with the Investigating Agency and he will not mis use the liberty granted by the court.

6. The learned Additional Public Prosecutor opposed the bail application submitting that accused is involved in 22 other cases and out of which 13 cases are for the offence under NDPS Act and 5 cases are for the offences under IPC. Further the quantity is commercial and hence he is not entitled to get bail.

7. It is admitted fact that the accused was involved in 22 cases and in the present case the contraband is of commercial quantity. The petitioner is having criminal antecedents and there is no ground to dilute the rigor u/s.37 of the NDPS Act. Further on perusal of the case records it is clear that the Hon'ble High Court of Kerala has dismissed the bail application filed by the present accused on the ground that from the records and submission made by the counsel it is clear that there is

prima facie finding that there are sufficient materials to substantiate the petitioner's involvement in the crime. So considering the fact that he is involved in 22 cases and out of which more than 13 cases are offence under the NDPS Act, the contraband is of commercial quantity, I am not inclined to grant bail at this stage and hence bail application is rejected.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court, on this the 16th day of April, 2026.

Sd/-

ADDL. SESSIONS JUDGE - III

Typed by : Vinod

Compared by: Suresh

Fair /Copy of Order in
Crl. MP 1/2026
in SC 268/2024
Dated : 10-04-2025.