

IN THE COURT OF THE SPECIAL JUDGE (N.D.P.S. ACT CASES), VADAKARA

Present:- Sri. V.P.M.Suresh Babu, Special Judge (NDPS Act Cases)

Friday, the 5th day of August 2022

CRIMINAL MISCELLANEOUS PETITION No: 544/2022

(Cr. No.372/2022 of Kozhikode Town police Station)

Between:-

Pradeep T.A Kumar Behhra,,
S/o. Brajjakishor Behhera Gopinathapur
Odisha.

}
Petitioner/
Accused

And:-

The SHO Town Police Station, Kozhikode
Rep.by Addl.Public Prosecutor, Vatakara

}
Respondent/
Complainant

Petitions filed by the counsels on behalf of Petitioners/Accused to release him on bail, pending disposal of the case.

This petition coming on 29th day of July , 2022 for final hearing before me upon perusing the petition and upon hearing the arguments of Sri. Sanjeev Marakkath Advocate for petitioner/ Accused and of Addl. Public Prosecutor on behalf of the State and having stood over to this day for consideration the court passed the following:

ORDER

This is an application for bail u/s. 437 of the Cr.P.C.

2. Petitioner is the accused in the above crime registered for offence punishable u/s. 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is that on 05.07.2022 at about 10.05 AM, the accused is found in conscious possession of 3.150 kg of Ganja near the car parking area, the fourth platform of Kozhikkode Railway station. Thus the accused committed the above mentioned offence.

4. The petitioner was arrested and produced before the learned Judicial First Class Magistrate on 05.07.2022 and remanded to judicial custody.

5. Notice of the bail application served to the accused.

6. Heard both sides.

7. Point that arise for Consideration is :-

“Whether the petitioner is entitled to be released on bail?”

8. **The Point:-** The learned counsel for the petitioner submit that accused has no connection with the contraband seized. Somebody ask to look the bag while he is coming to take an Auto-rickshaw. At that moment the police party came. He is innocent. Hence, bail may be granted.

9. The learned Addl. Public Prosecutor submits that the investigation is in preliminary stage. If he released on bail, he is likely to commit similar offence.

10. Perused the prosecution records including seizure mahazar and inventory certified by the Magistrate. On going through the prosecution records, I find that there is prima facie material to show the involvement of the petitioner in the crime. He arrested along with 3.150 kg of Ganja. There is nothing before the court to show that the bag from which Ganja was seized belong to some other person. The investigation at preliminary stage. If he released on bail accused is

likely to commit similar offence. Considering the serious nature of the offence there is also chance of absconding. Hence, this is not a fit case to release the petitioner on bail at this stage.

In the result, bail application is dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court, this the 4th day of August, 2022.)

Sd/-
Special Judge(NDPS Act cases)

