

IN THE COURT OF THE ADDL.SESIONS JUDGE II, ALAPPUZHA
Present: Smt. Bharathi.S., Addl. Sessions Judge II

Tuesday the 28th day of April, 2026

Crl.M.P.No. 02/2026 in SC.No.253/2026 (Filed on.22.04.2026)
(Crime No.173/2025 of Excise Range Office, Alappuzha)

Petitioner/Accused No.3 :- Appu.P.S
S/o. Shaju
Puthiyapettayil, Mamalakandam,
Kuttanpuzha Village, Kothamangalam
Taluk, Ernakulam-686 681.

(By Adv.Sri.Francis Assisi)

Respondent/Complainant :- State of Kerala,
Represented by Public Prosecutor,
District and Sessions Court,
Alappuzha.

This bail application having been finally heard on 28.04.2026 and the court on the same day passed the following:-

ORDER

1. This is a bail application on behalf of the third accused.
2. Offence alleged against the accused is punishable u/Ss. 20(b)(ii) (B), 20(b)(ii)(C), 22(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief, is the following:- On 10.11.2025

at 3.50 p.m, accused nos.1 to 3 in furtherance of their common intention and after conspiracy possessed 1.078 kg of Hashish oil, 122 gm of MDMA pills, 3.76 gm of Methamphetamine and 2.138 kg of ganja. Thus the accused are alleged to have committed offences punishable under the above provisions of law.

4. Accused no.3/petitioner was arrested on 10.11.2025 and is in judicial custody since then.
5. Accused no.3/petitioner submitted in this bail application that he is innocent of the offence alleged and that there is no evidence to attract Section 29 of the Narcotic Drugs and Psychotropic Substances Act. He further submitted that the contraband seized from him is 3.76 gm of Methamphetamine and 2.138 kg of ganja, which are intermediate quantity.
6. Prosecution opposed the bail application and filed a report.
7. Heard both sides and perused records.
8. Final report has been filed in the case. The accused is in custody since the date of arrest on 10.11.2025. But these facts alone are not sufficient to grant bail to an accused in a case like the one on hand. The offences alleged includes Sections 20(b)(ii)(C) and 22(c) of

the Narcotic Drugs and Psychotropic Substances Act. Therefore the bar u/S.37(1)(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act is applicable to the case on hand.

9. From the case records, it is found that accused nos.1 to 3 were arrested together after detecting the alleged contraband from their possession. It is true that as per the prosecution case, the contraband allegedly detected from the possession of the third accused is 3.76 gm of Methamphetamine and 2.138 kg of ganja. Though the learned counsel for the accused argued that there is no evidence to attract Section 29 of the Narcotic Drugs and Psychotropic Substances Act, the same is a matter to be finally decided after trial. On going through the case records, I am not satisfied that the third accused/petitioner is not involved in the offence alleged by the prosecution or that he will not involve in similar offence, in case of granting bail to him at this stage. Apart from that, it is also noted that as per the report of the prosecution, the third accused/petitioner is involved in three other NDPS cases. Considering the above facts and criminal antecedents of the third accused/petitioner, I am of the opinion that this is not a fit case

where bail can be granted to the third accused/petitioner.

10. In the result, the bail application is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 28th day of April, 2026.

Sd/-

BHARATHI S.

ADDL. SESSIONS JUDGE-II

APPENDIX:- NIL

Id/-

ADDL. SESSIONS JUDGE-II