

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-III, MAVELIKARA
Present:- Smt.Pooja.P.P,Additional Sessions Judge-III,
MAVELIKARA

Thrusday, the 06th day of February, 2025

CRL.M.P NO. 210/2025 in SC No. 709/2023

(Filed on 30.01.2025)

Petitioner/5th Accused:-

SyedSabik, aged 27,
 S/o.Abdul Rasheed, Pulikkalath house,
 Palakkad, Ottapalam,

(By Adv.Arunkumar.K.P)

Respondent/Complainant:-

State of Kerala represented by Sub
 Inspector of Police, in Crime No.604/22 of
 Haripad police station through Addl.
 Public Prosecutor, Mavelikara.

(By K.Sajikumar, Addl. Public Prosecutor, Mavelikara)

This Crl. MP having been finally heard on 05.02.2025 and the court on 06.02.2025 passed the following.

ORDER

This is the second application filed by the counsel for the 5th accused u/s 480 of BNSS.

2. The offence alleged in the case is punishable u/s 20(b) r/w Section 8 (c) and 29 of the NDPS Act.

3. The petitioner is in judicial custody from 30.11.2024.

4. The prosecution opposed the application and filed report.

5. Heard both sides.

6. The prosecution case is that on 16.08.2022 the 4th accused sold MDMA to the second accused in the presence and

connivance of A5 for Rs.28,600/- at the house by name Cotton Peat in M.G Road at Thumkoor in Karnataka State. It is also alleged that the accused along with A1 to A3 used MDMA and A1 to A3 sold the contraband at Pandarakavu in Palakkad District and second accused sold the contraband to the first accused and the first accused was in possession of the MDMA at the time of his arrest. Thus the accused are alleged to have committed the aforesaid offences.

7. The earlier bail application filed by the petitioner along with the fourth accused was dismissed on 19.12.2024 with the following observation:- "The allegations levelled against the accused are very serious and the same are prima facie made out from the final report filed in the case. The fact that the chemical examination report is not received is insufficient to grant bail to the accused as claimed by them. There is no reason to disbelieve the prosecution regarding the type of contraband involved in the case. The accused were absconding and 82, 83 steps were initiated against them. In spite of repeated coercive steps the presence of the accused could not be procured. The previous conduct of the accused is sufficient to hold that their presence could not be secured for the trial in the event of their release on bail. The SHO filed report stating that the petitioners involved in other cases which were registered under the NDPS Act.

8. The involvement of the accused in other criminal cases of the similar nature disentitle them from getting bail as it is against condition in Section 483 of BNSS. The accused appear to be habitual offenders. The grant of bail to this type of offenders will not be in the best of interest of the society. The apprehension

expressed by the prosecution that the accused will abscond and there is chance to intimidate the witness and to involve in similar type of offences cannot be ignored. The presence of the accused will be a threat to the society. The accused have not made out any special reason to exercise of discretion in their favour. The filing of final report is not a ground to grant bail to the petitioners . So,the application is only to be dismissed”.

9. The present application also does not contain any special ground to exercise the discretion in favour of the petitioner. No change in circumstance could be brought out by him to overlook the earlier observation and the grounds on which the bail was declined. For that reason also, the bail cannot be considered as sought for. So, the court is of the considered view that the petitioner is not entitled to the bail and the bail application is only to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 06th day of February, 2025.

**Sd/-
POOJA P.P,
ADDITIONAL SESSIONS JUDGE- III,
MAVELIKARA.**

Appendix: Nil

**Sd/-
ADDITIONAL SESSIONS JUDGE - III**