

IN THE COURT OF THE ADDL. SESSIONS JUDGE-I, MAVELIKARA
Present: Smt.V.G.Sreedevi, Addl. Sessions Judge-I
Saturday, the 20th day of December, 2025/29th Agrahayanam,1947

Crl.MP No.2768/2025 in SC 1163/2025

(Filed on:11.12.2025)

(Crime No.86/2025 on the file of the Kayamkulam Excise Range Office)

Petitioner : Mubarak Ali, aged 37, S/o Sahad Ali
Accused Kuthabgaj, Malda, West Bengal,
(By Adv.Basil Babu)

Respondent : State of Kerala, represented by the
Addl. Public Prosecutor, Mavelikara.

(By Adv. P.V.Santhosh Kumar,
Addl. Public Prosecutor, Mavelikara)

This petition have been finally heard on 19.12.2025 and the court on the 20.12.2025 passed the following.

ORDER

This petition is filed u/s.483 of BNSS, seeking regular bail by the sole accused in SC 1163/2025, alleging commission of offence punishable u/s.21(b) of the NDPS Act.

2. In the petition, it is alleged that the petitioner was found possessing 7.100 gms of brown sugar at 01.15 a.m. on 12.09.2025 in front of Hameediya Juma Mazjid on the eastern side of Kayamkulam railway station, and he was arrested from the spot. The petitioner preferred a bail application before the

Hon'ble Sessions Court on 03.11.2025 and that was dismissed on 10.11.2025. There was no incriminating substance seized from the possession of the accused. He is totally innocent.

3. The learned Additional Public Prosecutor opposed the petition and filed objection contending that the accused belongs to another State and in case he is released on bail, there is every chance of him absconding which will cause hindrance to the smooth trial of the case. The Investigating Officer filed a report and it is reported that there are previous instances in which the accused persons of other States after getting bail absconded and so, there is every chance of absconding of this accused also, in case he is released on bail and the trial will be prolonged indefinitely.

4. Heard both sides.

5. The only point that arises for consideration is:

Can the petitioner/accused be released on bail at this stage?

6. **The point:-** The prosecution case is that the accused was found in possession 7.100 gms of brown sugar (heroin--diacetylmorphine). The learned counsel for the accused would submit that he is in custody from 12.09.2025, and he is totally innocent in this case. It is pertinent to note that in the

beginning portion of the bail application, the accused is admitting the fact that he was arrested from the spot with the contraband, but in paragraph No.4 of the petition, it is alleged that he was not arrested from the spot and was falsely implicated.

7. The only objection raised by the Investigating Officer as well as the Additional Public Prosecutor is that in case the accused is released on bail, there is every chance of him absconding. When the previous antecedents of this petitioner/accused was asked to the learned counsel, the counsel was totally ignorant about the same. It is submitted that the petitioner is in the State of Kerala for the last 2 - 3 years and is residing here with his family.

8. The most important fact is that when a person with family is settled in another State, what are his previous antecedents; whether he is involved in any kind of offences, and as a method of absconding, he has settled in this State, and that cannot be ruled out. After settling here for 2 to 3 years, he is found indulged in the sale of narcotic substance which is highly dangerous and the people who are using the same would lost their sense. In fact, he was managing sale of the contraband, that too, in the wee hours of night, that means, he has

expertise in the said activity. So, it cannot be ruled out that he may have previous antecedents and have connection with the persons who are the supplier of these kinds of substances. It is not safe to release the accused at this stage. As he is an outsider of the State, the trial can be conducted at the earliest possible opportunity. Hence, I find this point against the petitioner/ accused.

9. In the result,

This petition is dismissed.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 20th day of December, 2025).

Sd/-

V.G.Sreedevi

Additional Sessions Judge-I

Appendix:Nil

Id/-

Additional Sessions Judge-I