

IN THE COURT OF SESSION(VACATION COURT)
ERNAKULAM DIVISION

Present:-

Sri. Ajith Kumar K.N, Additional Sessions Judge-I
(Judge, Vacation Court)

Friday, the 29th day of August, 2025/ 7th Bhadrapada, 1947

Crl.M.P No.3829/2025 in S.C No. 747/2025
(Crime No. 120/2025 of Infopark Police Station)

Petitioner/ Muhad Esab Ali, Age 25, S/o. Eman Ali, Narasingbari,
Accused : Gobardhana, Barpeta, Barpeta, Assam
By Adv. Adeep M, LADCS, Ernakulam

Respondent/ State of Kerala represented by SHO, Infopark Police Station
Complainant: through Public Prosecutor, District and Sessions Court,
Ernakulam.

By Public Prosecutor Sri.Sajiv C Krishnan

This petition filed Under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail.

This petition coming on for hearing on 29.08.2025 and the Court on the same day passed the following:

ORDER

1. The above application has been filed by the petitioner U/S 483 of the BNSS.
2. The petitioner is the sole accused in Crime No.120/2025 of Infopark Police Station, alleging the commission of offences punishable U/S 20(b)(ii)B of the NDPS Act, 1985.
3. The prosecution case is that on 15.04.2025 at 21.00 Hrs the accused was found in possession of 1045 gm of Ganja near Kakkanad-

Chittethukara Road, Kakkanad Village. Thus, the accused has committed the above offence.

4. The petitioner was arrested on 15.04.2025. Thereafter he has been in custody.
5. Heard both sides.
6. The counsel for the petitioner argued that the petitioner is innocent in this case. He has not committed any offence. He has been in custody for more than 130 days. The petitioner is the sole breadwinner of the family.
7. Per contra, the learned Public Prosecutor opposed the bail application, submitting that the accused have committed the offence serious in nature and if the petitioner is granted bail, there is every chance to repeat the offence.
8. On perusal of records, it is an intermediate quantity. At present, continued detention of the accused is not necessary.
9. The Hon'ble Supreme Court in Chidambaram P Vs. Directorate of Enforcement reported in 2019 (16) SCALE 870 held that 'basic jurisprudence relating to bail remains the same in as much as grant of bail is the rule and refusal is exception so as to ensure that the accused has opportunity of securing fair trial'.
10. In view of the said circumstances, this court does not find any reason to hold that the continued detention of the petitioner is required for any reason. Hence, the petition stands allowed on the following conditions.

1. The petitioner shall be released on bail on executing a bond for Rs. 1,00,000/- with two solvent sureties each for the like sum.
2. The petitioner shall not commit any offence while released on bail.
3. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer, and he shall not tamper with the evidence.
4. The petitioner shall not leave Kerala without the prior permission of the Trial Court.
5. The petitioner shall report before the Investigating Officer for interrogation between 10:00 a.m. and 11:00 a.m. every Saturday for the next three months, and subsequently as and when required in writing by the Investigating Officer for investigation purposes.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court on this the 29th day of August, 2025.

Sd/-

Ajith Kumar K.N
Additional Sessions Judge- I
(Judge, Vacation Court)

Typed by: JJ
Comp.by:

**Crl.MP No.3829/2025 in
S.C No. 747/2025
Order dated: 29.08.2025**