

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION*Present:-*

Sri. K N Prabhakaran, Additional Sessions Judge – I
Wednesday, 01st day of April, 2026/ 11th Chaithra, 1948

Crl. M.P No. 1/2026 in S.C No. 868/2025

Petitioner/ Don jose, Aged 29 years, S/o. Johnson, 17/1522, Balayil
Accused : House, Mundamveli P O., Ernakulam District.
By Adv. Isac Sanjay

Respondent/ State of Kerala represented by Station House Officer,
Complainant: Excise Enforcement and Anti Narcotic Special Squad,
Ernakulam through Special Public Prosecutor, District
& Sessions Court, Ernakulam.
By Special Public Prosecutor Sri. Shamsudin K M

This petition filed Under Section 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying this court to grant bail to the petitioner.

This petition coming on for hearing on 27.03.2026 and the Court on 01.04.2026 passed the following:

ORDER

Petition under Section 483 of BNSS.

2. The case of the petitioner /second accused in short is as follows. He is alleged to have committed offence punishable under Section 22(c), 20B(ii)A and 29 of the NDPS Act. First accused is the father of the petitioner. It alleged that at 02.30 p.m on 04.10.2022, search was conducted in the house of the first accused 2.3485 grams (15 numbers) LSD stamp and 77 grams of hashish oil from the foyer of the house were seized. House in question is in a densely

populated locality. The alleged search and recovery is suspicious in nature. On that day itself, representation was made to the Chief Minister, Excise Commissioner and Deputy Excise Commissioner by the wife of the first accused who is the mother of the second accused. Mass petition was also filed before the Excise Commissioner, State Human Rights Commission etc. The petitioner is absolutely innocent. He has no connection with the alleged narcotic drug. He is a driver by profession engaged in the tourism field and frequently will be out of station. The petitioner was out of station at the time of the alleged search. On getting information about the implication, he had approached the Hon'ble High Court by filing Bail Application No. 5074 of 2024 for anticipatory bail. That was disposed directing the petitioner to surrender before the jurisdictional court. He has been implicated solely on the basis of assumptions. The petitioner had approached the Hon'ble High Court by way of Bail Application No. 670 of 2026. Interim bail was granted for a period of 2 weeks. Subsequently, the petition was dismissed as withdrawn. Petitioner is falsely implicated in Crime No. 73 of 2022. But no charge sheet is filed resulting in the petitioner getting statutory bail. The petitioner is ready to cooperate with the investigation and ready to comply with any conditions imposed.

3. Copy served.

4. Petition opposed.

5. Report filed. On 14.10.2022 at 02.30 a.m, 2.3485 gram LSD stamp (115 In number) 77 grams of hashish oil were seized from the house of the

accused No. 22/1493 of Cochin Corporation. It is revealed from the investigation that accused were keeping the contraband articles jointly . It is also revealed from investigation that money has been sent to the account of the petitioner as consideration for the sale of the contraband. On verification of the phone number of the petitioner, it is revealed that he has been travelling in different places including Tamil Nadu, Goa, Bangalore. It is also revealed that the petitioner has connection with a large number of drug traffickers. The complaint has been filed after investigation alleging offence punishable under Section 22(c), 20(b)(ii)(A) and 29 of the NDPS Act. If released on bail, the petitioner is likely to win over prosecution witnesses. He is likely to repeat offences of this nature. He is likely to abscond. It will also give a wrong message to the society.

6. Heard both sides.

7. A perusal of the records would go to show that this is not the first application by the petitioner CrI. M.C 3135/23, MC 3889/24, 866/25 and CrI.M.C 4656/25 were also filed by the petitioner. CrI.M.C 866/25 was allowed by granting interim bail to the petitioner while all the other petitions were dismissed. So, the case of the petitioner that he has not filed any other application is not correct.

8 Leaving that apart, the records would go to show that the petitioner is involved in serious offence. it also appears that the petitioner has connection with drug traffickers across the South India. He has also got criminal antecedents. The mass petitions and complaint regarding the arrest and

seizure of accused as well as the contraband so not have much relevance at this point of time. The apprehension raised by the prosecution that if he is released on bail, he is likely to win over prosecution witnesses is not without any basis. There is every likelihood of the petitioner absconding and winning over prosecution witnesses. Considering the facts and circumstances of the case, the petitioner cannot be released on bail. The trial can be expedited. Hence, the petition is only to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court on this the 1st day of April 2026.

Sd/-
K N Prabhakaran
Additional Sessions Judge-I

Typed by: JJ Comp.by:

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Order dated: 01.04.2026