

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. Syamlal S.R, Additional Sessions Judge – II

Tuesday, 2nd day of December, 2025/12th Agrahayana, 1947

Crl.MP No.5739/2025 in SC No.1078/2017

(Crime No.1987/2017 of Kalady Police Station)

Petitioner/

Accused No.1:

Subrath Kumar, S/o.Lakshmi Dhar Kahar
Ampada House, Ampada Village, Kandhal,
Orissa.

**By Advs. Mohamed Sabah, Libin Stanley,
Alwin Joseph**

**Respondent/
Complainant:**

State of Kerala represented by Public
Prosecutor, District & Sessions Court,
Ernakulam-682011.

By Public Prosecutor Sri. Anver Basheer

This petition filed u/s.483 of Bharatiya Nagarik Suraksha Sanhita praying this Court to grant regular bail to the petitioner.

This petition coming on for hearing on 29.11.2025 and the Court on 02.12.2025 passed the following:

ORDER

This petition is filed under Section 483 of BNSS by the accused in S.C. No. 1078 of 2017 seeking bail. The offences alleged against the

petitioner are under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that the accused was found in possession of 1.400 kilograms of ganja on 10.10.2017 at 02.30 p.m.

3. The petitioner was arrested on 10.10.2017 and was granted bail by this Court as per order in CrI.M.P. No. 1166 of 2018 dated 13.04.2018. Thereafter, the accused absconded. On 31.10.2025, the accused surrendered before this Court and has been in custody since then.

4. The petitioner's case in brief is stated as follows:- On 05.07.2023, a bailable warrant was issued against the petitioner. At that time, he was working at Delhi. The petitioner could not appear before the Court due to floods in Delhi. Subsequently, on 17.07.2024, a non-bailable warrant was issued. The petitioner could not appear before the Court as he had met with an accident at the time of the flood and had also lost his phone. He had no other means to contact his counsel. Therefore, he requested that bail be granted.

5. The Sub Inspector of Police, Kalady Police Station, filed a report stating that if the petitioner is granted bail, there is every possibility of him absconding again.

6. Heard both sides.

Points for consideration are:-

1. Is the petitioner entitled to get bail?
2. What is the final order to be passed?

7. **Point No.1:-** The proceedings in this case show that the accused has been absconding for a long period. Now, the counsel for the petitioner submitted that hereinafter the petitioner shall appear before the Court without fail. The quantity of contraband involved in this case is of intermediate quantity, and the petitioner had already been granted bail during the crime stage. Since the counsel for the petitioner has assured that the petitioner will hereinafter appear before the Court without fail, it is held that a lenient view can be taken and the petitioner can be granted bail.

8. **Point No.2:-**

In the result, the petition is allowed.

The petitioner is granted bail on the following conditions.

1. The petitioner shall execute a bond for Rs.1,00,000/- with two solvent sureties each for the like sum before the Jurisdictional Magistrate. The sureties shall produce their original title deed for verification at the time of execution of the bail bond.
2. The petitioner shall not leave the State of Kerala without the prior permission of the Court.

3. The petitioner shall surrender his passport before the Jurisdictional Magistrate within 7 days of his release, and if he does not have a passport, he shall file an affidavit to that effect within 7 days of executing the bail bond.
4. The petitioner shall not make any inducement, threat or promises to any of the prosecution witnesses.
5. The petitioner shall not commit any similar offence while on bail.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 2nd day of December 2025.

Sd/-
Syamlal S R
Additional Sessions Judge-II

Typed by: Sindhu.S.T.
Comp.by:

Crl.MP No.5739/2025 in
SC No.1078/2017
Order dated: 02.12.2025