

**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE – I,
N. PARAVUR**

Present:- Sri. Jayaraj M.P., Additional District & Sessions Judge – I

Monday, the 30th day of March, 2026/ 9th Chaithra, 1948.

Crl. M.P. No.5/2026 in S.C.No.797/2024

Petitioner/Accused No.3:-

Muhammad Sameer, S/o.Yoosaf, aged 29 years,
Kuttiyalikkadavathu House, Edakkarappuram,
Thanoor P.O., Malappuram, Pin - 676 302.

By Advs. Paul T.Samuel, Bobby Thomas &
Winston K.V.

Respondent/Complainant:-

State of Kerala

By Adv. Hari N.K., Addl. Public Prosecutor,
N.Paravur

This petition filed under Section 483 of the Bharatiya Nagarika Suraksha Sanhita to release the petitioner on bail.

This Petition coming on for hearing before me on 30.03.2026 and the court on the same day passed the following:-

ORDER

Application for bail filed under Section 483 of BNSS.

2. Petitioner is A3 in SC No.797/2024 on the file of this court arising out of Crime No.668/2023 of Aluva West police station. The offences alleged are punishable under Sections 22(c) and 29 of NDPS Act. The prosecution case is that LSD stamps weighing 0.732 grams was sized from the possession of A1

and A2 on 22.12.2023 at about 6.15 pm while they were travelling on motor cycle and they disclosed that the contraband article was purchased from the petitioner/A3. Petitioner was reported absconding during investigation and he surrendered today.

3. Notice given.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that petitioner is innocent, there is no material to connect the petitioner with the offences alleged and the petitioner is entitled to bail. Learned public Prosecutor opposed the bail application.

6. The final report shows that the petitioner was working in the mobile shop of CW5 and the petitioner was absconding after the incident. The statement of CW6 shows that A1 and A2 were taken to the shop of CW5 by police and the petitioner was not going to the shop after the incident. The police has produced CDRs of the accused also which indicates phone calls between petitioner and A1.

7. The conduct of co-accused in pointing out the shop in which the petitioner worked from where they received the contraband article is admissible in evidence as held in **Prakash Chand Vs. State (Delhi Administration) (1979 KHC 585)**. There is prima facie evidence to show that

petitioner was absconding after the arrest of A1 and A2. Though abscondence is a weak link in the chain of circumstances against the accused, the phone calls between petitioner and A1, abscondence of the petitioner coupled with the fact that A1 and A2 took the police to the shop in which petitioner was working, make out a prima facie case against the petitioner, in the absence of any explanation for his abscondence.

8. Section 37 of the NDPS Act provides that court shall not grant bail to accused if the public prosecutor opposes the bail application and unless there are reasonable ground for believing that accused is not guilty of the offences, when commercial quantity of the contraband article is involved.

9. The prosecution has made out prima facie case against the petitioner. The rigour of Section 37 of NDPS Act applies to the facts of the case. Therefore petitioner is not entitled to bail.

10. Hence, this petition is dismissed.

Pronounced in open court on this the 30th day of March, 2026.

Sd/-
Jayaraj M.P.
Additional Sessions Judge – I

Appendix:- Nil.

Sd/-
Additional Sessions Judge-I

Typed by : Siji
Comp. By : Vijitha

Crl. M.P. No.5/2026 in S.C.No.797/2024

Order dated: 30.03.2026.