

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - III, KASARAGOD

Present: Sri.Achindya Raj Unni, Addl. Sessions Judge -III

Tuesday, the 24th day of March 2026/3rd Chaithra, 1948**Crl. M.P. No. 2/2026****in SC No. 930/2023 in****Crime No.701/2023 of Manjeshwar Police Station**

Between:-

Azaruddin, aged 36 years, S/o.Mohammed, R/at Shahila Manzil, Kudangaradka, Chevar, Paivalike, Kudal merkala, Manjeshawar Taluk, Kasaragod.	}	Petitioner/ Accused.
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And

State Represented by Addl.Public Prosecutor, Kasaragod.	}	Respondent/ Complainant.
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Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner/accused for regular bail.

Petition presented on : 19.03.2026

This petition coming on 23rd day of March, 2026 for final hearing before me in the presence of Sri.Samsuddeen B K, Advocate for petitioner; of Additional Public Prosecutor for respondent (State) and having stood over to this day for consideration; the Court passed the following:

ORDER

The present petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner/accused for regular bail.

2. **The case of the petitioner/accused in brief is as follows:-** The petitioner is the accused in SC No.930/2023 against whom an offence punishable under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') is alleged by the prosecution. It is stated that the petitioner is innocent and has not committed any of the offences alleged by the prosecution. The petitioner was enlarged on bail in this case, and thereafter failed to appear before this Court. Hence, a non-bailable warrant was issued against him. The petitioner stated that in pursuance of the non-bailable warrant he was arrested and produced before this Court on 13.03.2026. Since then, he has been in judicial custody. Hence, this application.

3. Notice of the bail application served to the learned Additional Public Prosecutor. He vehemently opposed the bail application and filed a detailed written objection.

4. Heard both sides.

5. The Point for consideration is:-

1) "Is the petitioner entitled to be released on bail?"

6. **The Point:-** The Additional Public Prosecutor submitted that the accused had absconded after being enlarged on bail in this case. If he is again enlarged on bail, there is every possibility of the petitioner again absconding from the clutches of law. Hence, he prays to dismiss the bail application.

7. The learned counsel for the petitioner/accused stated that the petitioner is innocent and falsely implicated in this case. He is ready to cooperate with the trial and undertakes to abide by any conditions imposed by this Court, while granting bail.

8. On perusal of case records, it is seen that, in the present case, as per the order of the Special Court, Kasaragod, in CrI.MC 69/2023, the accused/petitioner was previously enlarged on bail during the crime stage. Subsequently, the petitioner/accused failed to appear before this Court. Therefore, the bail granted to him was cancelled, and a non-bailable warrant was issued against him. In pursuance of the non-bailable warrant issued against him, he was arrested and produced before this Court on 13.03.2026 and has been remanded to judicial custody since then.

9. This Court has carefully considered the facts of the case, the arguments made by both sides and the materials placed on record. Admittedly, the petitioner has been in judicial custody since 13.03.2026. Upon perusal of the case records, it is found that the investigation in the present case has already been completed and the final report has already been filed before this Court. The same indicates that the further custody of the petitioner is not warranted for the purpose of investigation. Furthermore, this Court is of the considered view that the apprehension expressed

by the learned Additional Public Prosecutor can be addressed by imposing stringent conditions.

10. In these circumstances, given the period of incarceration already served by the petitioner, this Court holds that there is no need to retain the petitioner in further custody. Therefore, this Court is of the considered opinion that the petitioner can be released on bail subject to strict conditions. The point is found in favor of the petitioner.

As a result, the petition is **allowed** as follows.

1. The petitioner/accused shall be released on bail on his executing a bond for ₹.50,000/- (Rupees Fifty Thousand only) with two solvent sureties to the satisfaction of the Court.
2. The petitioner/accused shall not commit a similar offence while on bail.
3. The petitioner/accused shall not intimidate, influence or try to contact the prosecution witnesses.
4. The petitioner/accused shall only leave India, with prior permission of the court, till the trial is over.
5. The petitioner/accused shall surrender his passport. If he has no passport, he shall file an affidavit to that effect within 7 days of his release.

6. The petitioner/accused shall regularly remain present during the trial, and cooperate with the Court to complete the trial for the above offences.
7. The office is directed to send a soft copy of this order via email to the petitioner/prisoner through the superintendent of the concerned jail today itself.

(Dictated to the Confidential Assistant, transcribed and typed by him, revised and corrected by me and pronounced on this the 24th day of March 2026)

Sd/-
ADDL. SESSIONS JUDGE-III
KASARAGOD.

Typed &
Compared by: Beena N

FAIR/COPY OF
ORDER
in Crl. M.P. No.2/2026
in SC No. 930/2023 in
Crime No.701/2023 of
Manjeshwar Police Station

DATED: 24.03.2026