

IN THE COURT OF SESSIONS, KASARAGOD DIVISION**Present:-Smt.Priya.K, Vacation Judge,**

(Addl.District and Sessions Judge-II, Kasaragod)

Saturday, the 30th day of August, 2025**Criminal M.P.No.4595/2025 in S.C No.545/2025**

Between:-

Nissam.K, aged 24 years,
 S/o. Ameer.K, Asman Manzil,
 Kuthurakode, Panayal Village,
 Now R/at.Mukkunnoth, Bara Village,
 Kasaragod.

Petitioner/
 Accused No.1

And

State; S.H.O. Bekal P.S, Rep. by
 Public Prosecutor, Kasaragod

Respondent/
 Complainant

Petition filed by the petitioner u/s.483 for
 release the petitioner on bail.

Petition was presented on : 19.08.2025

This petition coming on this day for hearing
 before me in the presence of Sri.Sumesh.P.V,
 Advocate for Petitioner; Pubic Prosecutor for
 Respondent(State); and the Court passed the
 following:-

O R D E R

This is an application for bail u/s. 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Petitioner is the accused No.1 in the above crime registered for the offences punishable u/ss.22 (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. **The prosecution case is that;** On 08.03.2025 at 20.25 hours at Trikkannadu Chirammal in Kottikkulam Village, 1st accused was found in conscious possession and transportation of 20.110 grams of MDMA in a scooter with a registration No.KL 60 T 0592 for the purpose of sale. Thus, the petitioner is alleged to have committed the offences punishable U/ss. 22(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. According to the petitioner, he is innocent. He is in judicial custody for past 164 days. His first, second and third applications were dismissed by this court. He is ready to abide by any conditions laid down by the court.

5. A report was called for from the Station house officer concerned and a report was filed objecting the bail application.

6. Heard both side.

7. **Point that arise for Consideration is;**

"Whether the petitioner is entitled to be released on bail?"

8. **The Point:-** The Learned Counsel for the petitioner submitted that this is a false case foisted against the petitioner. As per the chemical report received in this case, the contraband articles seized in this case was found to be methamphetamine and it is not MDMA as alleged

by the prosecution. Charge sheet is filed in this case.

9. The learned Public Prosecutor submitted that the accused is having criminal antecedents and he is involved in Bakel police station in crime No.505/2024.

10. On hearing both side and on perusal of case records, it is found that the offence alleged against the petitioner are u/s 22(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. The chemical report received in this case shows that the seized article was methamphetamine and it is not MDMA as alleged by the prosecution. The seized contraband is above small quantity and below commercial quantity of 50 grams. If the seized article is methamphetamine, the offence attracted will be 22(b) of NDPS Act. From the report filed by the SHO, it is revealed that this accused is involved in another case under the

provisions of NDPS Act. Taking into consideration of the gravity of the offence and the impact of drugs in the society, the petitioner is not entitled to get bail as payed for.

In the result, bail application is dismissed.

The office of the court is directed to send a soft copy of this order by email to the petitioner/prisoner through the superintendent of the concerned jail today.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court, this the 30th day of August 2025)

**Sd/-
VACATION JUDGE
KASARAGOD**

//True copy//

SHERISTADAR (I/C)

Typed by : Jayanthi.K
Compared by: Rasna.C

Fair/ Copy of order in
Criminal M.C.No.4595/2025 in
SC 545/2025
Dated:30.08.2025