

**IN THE SPECIAL COURT FOR SC/ST (POA) ACT &
NDPS ACT CASES, MANJERI**

Present: Sri. T.G. Varghese, Special Judge

Tuesday, 4th day of November, 2025

13th of Karthika, 1947

Criminal Miscellaneous Petition No. 01/2025

in SC No. 435/2023

Between:

Shameer P.M.,
Inspector of Police, Kondotty Police Station
By Adv. Suresh P, Special Public Prosecutor

Petitioner
Complainant

And:

Shaiju, S/o. Nanu, Vayampadi House,
Cherukavu, Kondotty, Malappuram District.
By Adv. M.P. Nishanth

Respondent
Accused

This petition having been heard, the court on this day passed the following:

ORDER

This is an application filed by the SHO Kondotty in Crime No. 105/2023 for cancellation of bail granted to the A1 (Shyju) as per the order in CMP 725/2023.

2. The petitioner's case is that this court had granted bail to the respondent (Shyju) in Crime No. 105 /2023 as per the order of this court in CMP No. 725/2023. One of the conditions was that the petitioner shall not involve in any offence while on bail. However, while that order was in force, the respondent committed offence punishable under Section 21 (A) of NDPS Act on the allegation of possessing 0.150 grams of brown sugar.

3. Respondent/ accused has filed objection stating that the accused has pleaded guilty to the offence and he was convicted by the Magistrate Court. therefore his contention is that no offence shall be treated as pending against the respondent when this petition was filed.



4. Heard both sides.

5. Point for consideration:-

Is the petition allowed as prayed ?

6. It is an admitted fact that the respondent was charged with having possessed 0.150 grams of brown sugar and that he pleaded guilty to the said offence before the Hon'ble Magistrate and he was convicted and sentenced. The stipulation imposed by this court was that the accused should not involve in any offence while on bail. Evidently, breaching that condition he has committed the present offence. In the decision reported in **2025 KHC Online 272**, Hon'ble Kerala High Court has held that involvement of accused in a subsequent similar offence under NDPS Act while on bail constitutes sufficient ground for cancellation of bail even without evidence that such offence would interfere with the trial of the original case. In this circumstance the petition is allowed and bail granted to the respondent (Shyju) in Crime No. 105/2023 is hereby cancelled and the petitioner inspector is at liberty to arrest the accused and produce him before this court as per law. Issue notice to the sureties to produce the accused before the court.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 4th day of November, 2025)



//True Copy//

Sd/-
Special Judge

[Signature]
Sheristadar

Fair/Copy of Order in Crl.M.P. No.
01/2025 in SC No. 435/2025,
Dated: 04.11.2025.
