

**IN THE COURT OF SESSIONS, PALAKKAD DIVISION**  
**Present : Shri. D.Sudheer David, Additional Sessions Judge-II**

**Thursday, the 26<sup>th</sup> day of March, 2026**  
**5<sup>th</sup> day of Chaithra, 1948 S.E**

**CRIMINAL MISCELLANEOUS PETITION No.05/2026**  
**IN SESSIONS CASE No.1003/2025**  
**In Crime No.510/2025 of Kongad Police Station**

**Petitioner/Accused No.3:**

Abdul Farook, S/o Yusuf, aged 31, Appakkattil Veedu, Nellikurissi, Mulanjoor Post, Lakkidi, Perur, Ottapalam, Ottapalam Post, Palakkkad, Kerala, India.

**Vs.**

**Respondents/Complainants:**

State of Kerala, Rep. by the Station House Officer, Kongad Police Station.

This petition is filed under section 250 of BNSS by the petitioner/accused no.3 in Crime No. 510/2025 of Kongad Police Station praying that in the circumstances stated therein, this court may be pleased to discharge the offences alleged against the petitioner.

This application coming on for hearing today in the presence of Advocate Shri.Mohamed Sabah, for the petitioner and the Special Public Prosecutor on behalf of the state and this court passed the following:-

**ORDER**

This is an application under section 250 of BNSS filed by the 3<sup>rd</sup> accused.

2. Accused is facing indictment of the offence punishable under sections 22 (c),27A and 29 of NDPS Act .

3. The detecting officer, seized Methamphetamine from the possession of the first and second accused on the evening of 31.5.2025 at 16:25 hours, when they were sitting inside a Toyota Qualis Car bearing number KL0 7AS 0551, in the quantity of 591.61 grams from the car, 55.63 grams from the pocket of the trousers of the first time and them and 586.66 grams from the handbag possessed by the second among them. It is alleged that on the investigation made, it is revealed that

the contraband was brought from Bangalore the instance of accused 3, 4 and 5, who financed for the same by paying it directly to the first and second accused and sending it to their accounts for the purpose of gaining unlawfully. Petitioner is the 3<sup>rd</sup> accused.

4. Petitioner was arrested on 11.9.2025 and is undergoing judicial custody since then. The stage of the case is that final report was filed and is pending consideration for further proceedings.

5. Accused contended that he is innocent and he has no connection whatsoever with the possession of the contraband. He is costlly implicated in this case. According to him, he has been implicated in this case on the basis of the confession statement of the first and second accused, which is an inadmissible piece of evidence under Section 67 of the NDPS Act, as held in Tofan Singh v. State of Tamil Nadu (2013 (4) KLT SN 52). He is a buffalo trader and doing catering business and he had business deals with the first and second accused, that made him to have money transactions with them. So also, he had phone calls with them. But those aspects cannot be taken as incriminating factors to implicate him in this case, as held in Mansoor Ali v. State of Kerala (2025 (2) KLT 761). So he is entitled to get bail in this case.

6. The inspector of police Kongad police station filed report through the Special Public Prosecutor, vehemently opposing the bail application. The report affirms the active involvement of the petitioner in first and second accused

possessing 1233.90 grams of Methamphetamine and put forth the concerned that, in case of his being released on bail there is every chance of his repeating the very same offence and to go absconding, completely thwarting the trial of the case. It also has stated that there is every chance of his tampering with evidence and influencing the witnesses. With that he urged to refuse him bail.

7. For the purpose of this petition the following points are raised for consideration:-

1. Whether the petitioner is entitled to be release on bail?

2. Order?

8. **Point No.1:-** The imputation against the accused, who is the 3<sup>rd</sup> accused is that he financed for bringing 1233.90 grams of Methamphetamine, along with 4<sup>th</sup> and 5<sup>th</sup> accused, and brought it from Bangalore through the first and second accused, who were caught red handed by the detecting officer.

9. It is true that the contraband was not directly seized from the possession of the petitioner. Prosecution impute him with the allegation that he was one among the kingpin, who financed for the bringing of it from Bangalore through the first and second accused. The allegation is so serious in nature. The fact that petitioner was having constant contact with the first and second accused and also financial transactions stands in support of the prosecution case that he along with 4<sup>th</sup> and 5<sup>th</sup> accused where the kingpins who financed for bringing the contraband from Bangalore to Kerala through the first and second accused.

10. Admittedly, it is a commercial quantity that is involved in this case, in which the rigor of Section 37 of NDPS Act would come to play, making it to have a satisfaction that the petitioner is not guilty of the offence and that he is not likely to commit any offence while on bail. There is absolutely nothing to find those twine grounds in favour of the petitioner at this stage of the proceedings.

11. It is seen, grounds of arrest as per the mandate of Article 22(1) of the Constitution of India, the case diary made available by the Special Public Prosecutor shows that grounds of arrest were duly communicated to him in writing, making that allegation on his part to be rejected.

12. So also, I am of the considered view that the petitioner cannot be enlarged on bail at this stage of the proceedings as his bail application can only be dismissed. Point is answered against the petitioner.

13. **Point No. 2:-** petition is dismissed.

*Prepared in Google docs, voice typing app, corrected by me and pronounced in open court on this the 26<sup>th</sup> day of March 2026.*

**Sd/-  
Additional Sessions Judge-II**

**Fair/Copy of Order in  
Crl.MP No. 05/2026 in  
SC No. 1003/2025  
Dated: 26.03.2026.**