

**IN THE COURT OF THE II ADDITIONAL SESSIONS JUDGE, THRISSUR.**

**Present:**

**Smt. Jaya Prabhu, Addl. Sessions Judge- II.**

Thursday the 30<sup>th</sup> day of April, 2026/ 10<sup>th</sup> Vaisagham, 1948.

**Crl.MP - 5/2026 & Crl.MP -6/2026**

SC No- 395/2025

(Cr.No-49/2024 of Excise Range Office, Chavakkad)

**Crl.MP - 5/2026**

**Petitioner/  
Accused**

: Akbar , Aged 38 , S/o Hassan , , kalapurakkal House,  
Moonnayini Desom, Punnayur Village, Chavakkad Taluk,  
Thrissur District -680518

By Adv. Mohamed Sabah

**Respondent**

: State of Kerala, Represented by the Excise Inspector,  
Chavakkad Excise Range Office.

By Public Prosecutor

**Offences**

: U/s. 20(b)(ii)(B), 20(b)(ii)(C), 29 & 60(3) of the Narcotic  
Drugs and Psychotropic Substances Act, 1985.

**Crl.MP -6/2026**

**Petitioner/  
Accused**

: Shafi , Aged 38 Years, S/o Muhammadali, Chinnakkal House,  
Edakkazhiyur, Chavakkad Taluk, Thrissur District.

By Adv. Mohamed Sabah

**Respondent**

: State of Kerala, Represented by Excise Inspector, Chavakkad  
Excise Range Office

By Public Prosecutor

**Offences**

: U/s. 20(b)(ii)(B), 20(b)(ii)(C), 29 & 60(3) of the Narcotic  
Drugs and Psychotropic Substances Act, 1985.

This petition is coming on for hearing and the same day the court passed the following

### **COMMON ORDER**

These petitions are filed for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita(BNSS).

2. Petitioners are accused Nos.1 and 2 in Crime No.49/2024 registered by Assistant Excise Commissioner, Excise Range Office, Chavakkad. The offences alleged against the petitioners are punishable under Sections 20(b)(ii)(B), 20(b)(ii)(C), 29 & 60(3) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is that, on 05.10.2024, at about 04.25p.m, opposite side of an electric post bearing No.CKD/CKP/253 on the eastern side of the road at Guruvayoor-Kunnamkulam, accused Nos.1 to 4 were found in possession and transportation of 18.725 kilograms of ganja and 1.994 kilograms of hashish oil in a Maruti Swift car bearing registration No.KL-46-Y-1321 in contravention of the Narcotic Drugs and Psychotropic Substances Act. Thus the accused are alleged to commit the aforesaid offences.

4. The petitioners were arrested on 05.10.2024 since then they are in judicial custody.

5. Notice issued to the Public Prosecutor. The prosecution has filed a report. Heard both sides and perused the records.

6. Learned counsel for the petitioners contended that the petitioners are absolutely innocent in this case and they have not committed any offence as alleged by the prosecution. Accused No. 3 was enlarged on bail order dated 19.02.2026 as per order in BA.878/2026 of Hon'ble High Court. They are ready to abide any conditions imposed by this court. They are totally innocent of the allegations levelled by the prosecution and they are ready to abide any condition imposed by the Court.

7. Learned Public Prosecutor opposed bail application stating that the offence alleged against the accused is serious in nature. The investigation is completed and final report is filed. They had criminal antecedents. The accused Nos.1 and 2 are involved in following crimes:-

Accused No.1:-

- 1 Chavakkad Police Station Crime 1325/2015- U/s 452, 453 IPC,
- 2 Chavakkad Police Station Crime 505/2017- U/s 15 (c) of Abkari Act,
- 3 Chavakkad Police Station Crime 487/2017 U/s 118 (a) of KP Act,
- 4 Chavakkad Police Station Crime 514/2017 U/s 118 (a) of KP Act,
- 5 Vadakkekkad Police Station Crime 517/2009 U/S 294 (b), 427, 34 IPC,
- 6 Vadakkekkad Police Station Crime 850/2011 -U/s 341, 323, 324, 447, 427, 34 IPC,
- 7 Vadakkekkad Police Station 339/2020 -U/s 20(b)(ii)B of NDPS Act

Accused No.2:-

Chavakkad Police Station 725/2022 -U/s 341, 323, 34 IPC.

At this stage, If the bail granted to the accused, there is a possibility to repeat the similar offences and there is chance to influence the witnesses and tamper with the evidence. Hence the petition is liable to be dismissed.

8. The investigating officer filed report detailing the prosecution case and submitted that the offence alleged against the accused is serious in nature. The investigation is completed and final report is filed. At this stage, if the bail granted to the accused, there is a possibility to influence the witnesses and tamper with the evidence. Hence the petition is liable to be dismissed.

9. The petitioners are the accused in this case and they were arrested on on 05.10.2024 and since then they are in judicial custody. As the investigation of the case is completed and prosecution has no case that any custodial interrogation of the accused are required in this case. Thus there is no purpose in further detention of the accused. Moreover Hon'ble High Court has granted bail to accused No.3 was enlarged on bail order dated 19.02.2026 as per order in BA.878/2026 of Hon'ble High Court.

10. In the instant case, the perusal of the records show that the grounds of arrest have been communicated to the arrestee properly. However, in the Intimation given to the relative of the applicant, there was no proper communication of the grounds of arrest including the quantity of the contraband seized from the

possession of the applicant. The Supreme Court in ***Kasireddy Upender Reddy v. State of Andhra Pradesh*** (2025 SCC OnLine SC 1228) has held that the grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Art.22(1) meaningful and effective, failing which, such arrest would be rendered illegal. A learned Single Judge of this Court in ***Alvin Riby v. State of Kerala*** (2025 KER 67079) following ***Kasireddy Upender Reddy*** (supra) held that failure to communicate the grounds of arrest to the near relatives renders the arrest illegal. Inasmuch as the grounds of arrest were not communicated to the relatives of the applicant in accordance with law, the arrest stands vitiated and he is entitled to be released on bail.

11. Considering the period of detention already undergone by the accused and applying the principles of parity and the above said facts and circumstances, I am inclined to grant bail to the accused. Therefore, the petition is allowed by granting bail to the accused on following conditions:-

1. Petitioners shall execute a bond of Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum. Produce original title deed of one of the sureties for perusal.
2. Petitioners shall surrender their passport before the court within 3 days from the date of release, if no passport file affidavit to that effect.

3. Petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the courts or any officer or tamper with the evidence.
4. Petitioners shall not commit any offence similar to the offence of which they are accused or indulge any prejudicial activities while on bail.
5. Violation if any, of the above conditions shall result in cancellation of bail.
6. Issue free copy to the counsel for petitioners.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 30<sup>th</sup> day of April, 2026).

Sd/-  
**Jaya Prabhu**  
**Additional Sessions Judge II**  
**Thrissur**

/ True Copy /

By Order

Copied by: NEM

Compared by :SMS

Sheristadar

Copy To: 1.Station House Officer , Excise Range Office, Chavakkad  
2. JFCM ,Chavakkad.

Common Order in  
Crl.MP5/2026&  
Crl.MP 6/2026 in  
SC 395/2025  
Dated : 30.04.2026