

IN THE COURT OF THE ADDL. SESSIONS JUDGE -IV,
THIRUVANANTHAPURAM

PRESENT : SRI. SUDHAKANTH. R, ADDL. SESSIONS JUDGE – IV

Wednesday the 11th day of February, 2026/ 28th Magham, 1947

CRIMINAL M.P. No.03/2026 IN SC.141/2026

(Crime No.934/2025 of Kovalam Police Station)

Petitioner/ Accused:-

Sanjay Satheesh, Aged 26 Years,
S/o Satheesh Kumar,
Flat No.219, Rajaji Nagar,
GPO PO, Thiruvananthapuram 695001

(By Adv. Vivek V.N)

Counter Petitioners:-

- 1 The Station House Officer,
Kovalam Police Station
- 2 State of Kerala,
Both represented by Public Prosecutor,
Thiruvananthapuram

(By Adv. Sri. R. Praveen Kumar, Addl. Public Prosecutor)

This petition is coming on for hearing on **07.02.2026** and the
Court on **11.02.2026** passed the following:-

ORDER

This is an application for bail filed by the learned counsel for the accused No. 2 u/s 483 of BNSS 2023.

2. The accused 7 in number stand charge sheeted by the Police Inspector, Kovalam Police Station alleging offences u/s 8 (c), 22(c), 20(b) (ii) A and 29 of the Narcotic Drugs and Psychotropic Substance Act 1985 and u/s 238 of BNS

3. The prosecution allegation can be summarised as follows:

On 30/07/2025 at about 15:00 hours accused Nos. 1 to 4 found in conscious possession and transporting hybrid ganja to the tune of 10.70 grams kept in a flip cover and 0.501 KG MDMA kept concealed in bag and transporting the same in car bearing registration No. KL 02 BU 8656 through the public road near Kovalam junction and passing through the by pass public road. The offence was detected by the Sub Inspector of police of Anti Narcotic Squad , Thiruvananthapuram. The accused were apprehended and the contraband item were sized into custody on complying with the statutory formalities. On enquiry it was realized that accused No. 5 to 7 hatched up a conspiracy with accused Nos. 1 to 4 to procure the contraband item and transferred money the paid as consideration. Thus the accused alleged to have committed the aforesaid offence.

4. The avements in the application can be summarised as follows:-

The petitioner is arrayed as 2nd accused in the above case. Petitioner is distant relative of accused No.1. Accused No. 1 contacted the petitioner over mobile phone and told him that he along with wife and children is at Kanyakumari and they arrived from Bangalore and requested him to arrange a car to return to the native place at Thiruvananthapuram. Then the petitioner contacted the 3rd accused who was conducting rent a car business. The 3rd accused agreed to pick up accused No. 1 on a condition that the petitioner shall accompany him. According the petitioner accompanied the 3rd accused accompanied him. The court has already

be granted the 3rd accused as per order in CMP No. 5338/2025 on realizing that there is no prim facie case made out against him to suggest that he participated in the conspiracy. The petitioner is entitled to get the benefit of rule of parity. The police intersected the vehicle while retuning from Kanyakumari. Petitioner is having no criminal antecedence and he is a law abiding citizen. The petitioner has been implicated in the case only for the reason that he is near relative of accused No.1. The petitioner has been implicated in the case by virtue of section 29 of the NDPS Act. There is no specific allegation that the petitioner was having knowledge possession of the contraband in the alleged offence. The petitioner is in custody for more than 171 days and the investigation has been completed. Petitioner is ready to abide any condition imposed by this court in the event of granting bail.

5. The Sub Inspector of police, Kovalam police station filed a factual report. It is contended in the report that the petitioner / accused No. 2 had arranged the motor car of accused No. 3 bearing registration No KL 02 BU 8656 for transporting the contraband and he accompanied accused No. 1, 3, 4 in the very same car while transporting the contraband items.

6. Heard both sides. Learned Additional public prosecutor opposed the application. It is urged by the prosecution that there is sufficient material to prove that the petitioner is involved in alleged offence and he was travelling in the car in which the contraband item was being transported along with accused Nos. 1, 3 and 4. According to the prosecution the quantity of contraband involved is a commercial quantity and there is no ground to dilute the rigor of the twin conditions u/s 37 of the NDPS Act. The learned counsel for the petitioner reiterated the ground as urged in the bail application at the time of the argument.

7. On a meticulous scrutiny of the materials on records, it can be realized that the petitioner was travelling in the vehicle in which

the contraband was being transported. The case of the petitioner is that he arranged the motor car on the request of accused No.1 for his travel with his family from Kanyakumari to Trivandrum and he happened to be travelled in the car as requested by 3rd accused, who was the driver of the vehicle. The petitioner has not stated a reason for hiring a car from Trivandrum for the return journey of accused No. 1 and 4 from Kanyakumari. It can be realized from the prosecution record the arrest memo., inspection, custody memo etc were prepared at the time of apprehending the petitioner and notice u/s 47 and 35(1) (b) (ii) of the BNSS was served to the petitioner in which the offence alleged to have the petitioner is specifically stated. Thus the grounds for arrest was informed to the petitioner at the time of recording his arrest. The arrest intimation memo was served to the father of the petitioner in which the grounds for the arrest, the quantity of contraband involved in the offence etc have been specifically stated. It can be prima facies realized that the statutory provisions under the NDPS Act 1985 have been substantially complied, since the time of detection of the offence till the filing of final report. The contraband involved in the alleged offence is much more than commercial quantity. Accused No. 3 was enlarged on bail as per order in CMP No. 5336/2025 and 5338/2025 for the reason that though he was the driver of the car in which the contraband was transported and there is no material sufficient material to suggest that he had hatched up a conspiracy with co-accused for procuring the contraband and in transporting to the state of Kerala and the prosecution record only indicate that he was acted only as the driver of the alleged motor car. It is admitted by the petitioner that accused No. 1 was his friend and it was on his request he arranged the motor car in which the contraband procured was transported from Kanyakumari to Kerala. Petitioner has offered no explanation why a vehicle from Kerala was chosen for the return journey from Kanyakumari to Kerala. There is no ground sufficient to find at this stage that the petitioner was having no knowledge of the contraband item procured by accused Nos.1 and 4 and he travelled in the vehicle only under the circumstances as narrated in the application. Considering the

over all circumstances of the case , there is no ground sufficient to dilute the rigor of twin condition u/s 37 of the NDPS Act 1985 . Therefore the bail application is to be dismissed.

In the result, the bail application is Dismissed

(Dictated to the Personal Assistant, transcribed and typed by him, corrected and pronounced by me in open Court on this the 11th day of February, 2026)

Sd/-

SUDHAKANTH. R
ADDL. SESSIONS JUDGE-IV

//True Copy//

By Order

SHERISTADAR

Typed by : Anusree

Compared by: Sreelekshmi

Copy of Order in
Crl. M.P.No.03/2026 in SC 141/2026
Dated: 11.02.2026