

IN THE COURT OF THE ADDL. SESSIONS JUDGE – II,
THIRUVANANTHAPURAM

PRESENT : SRI. SUDHAKANTH R., ADDITIONAL SESSIONS JUDGE- IV
(In Charge of Additional Sessions Judge-II)

Wednesday, the 14th day of January, 2026/ 24th day of Pousha, 1947

CRIMINAL M.P. No. 4961/2025
In SESSIONS CASE No. 2165/2025

(Crime No.702/2025 of Sreekaryam Police Station pending before the
Addl. Sessions Court-II, Thiruvananthapuram)

PETITIONER/ACCUSED No.2:-

Sujith Biswas, aged about 35 years, S/o Naresh Biswas,
Kalipur, Raichenga, Falagath PO, Jalpaiguri District,
Falagath Police Station, West Bengal State.

By Adv. Abhilash A G (Deputy Cheif Legal Aid)

COUNTER PETITIONER:-

The State of Kerala represented by
the Station House Officer, Sreekariyam Police Station.

By Addl. Public Prosecutor Sri R Praveen Kumar

This petition filed for granting bail to the petitioner /accused is coming on
for hearing on **14..01..2026** and the Court on **the same day** passed the following

ORDER

This application has been filed by the petitioner/accused No.2 under
section 483 of Code of Criminal Procedure, praying for regular bail.

The accused, two in numbers stand charge sheeted by Sub Inspector of
Police, Sreekaryam police station alleged offence under Sections 20(b)(ii)(B) and 29
of NDPS Act.

2. The prosecution case can be summarised as follows:-

On 28.07.2025 at about 13.35 hrs accused No.1 was found possessing ganja to the tune of 1.065 kg and 2nd accused found in conscious possessed 0.420 kg of ganja and transporting the same through Pangappara village and near the place M/S Jeeva Poultry Farm at the place Sreekaryam. The offence was detected by the Sub Inspector of Police attached to District Anti-narcotic Special Action Force. The contraband ganja was recovered from the possession of accused persons and they were arrested on complying the statutory formalities. Thus the accused alleged to have committed the aforesaid offences.

3. The Inspector of Police, Sreekaryam police station filed a factual report against granting bail. It is contended in the report that if the accused is enlarged on bail, there is every chance of intimidating the material witnesses for the prosecution and repeating the similar offence.

4. The averments in the bail application can be summarised as follows :

The petitioner is arrayed as 2nd accused in the above case. The petitioner was arrested on 28.07.2025 and remanded to judicial custody. The 1st accused has already been enlarged on bail. The allegation against the 2nd accused is same that of alleged against the 1st accused. The petitioner is innocent and he has not committed the alleged offence. The petitioner is ready to abide any condition imposed by the court in the event of granting bail.

5. Heard both sides. The learned Additional Public Prosecutor opposed the application. The learned prosecutor reiterated the contentions as stated in the factual report at the time of the argument. It is submitted for the prosecution that the petitioner was possessing ganja at the time of detection of the offence and he was accompanied by accused No.1. On the other hand, the learned counsel for the petitioner submitted that prolonged incarceration of the accused is in violation of Article 21 of Constitution of India. As the final report has already been submitted and the contraband item is not of commercial quantity, the rigor of Section 37 of the

NDPS Act is not applicable.

6. The petitioner was remanded to judicial custody on 28.07.2025. 1st accused has already been enlarged on bail as per the order in CrI.MP 4122/25 dated 27.09.2025. The role of the petitioner in the offence is that he had accompanied accused No.1 and possessed ganja to the tune of 0.420 kg at the time of detection of the offence. It can be seen from the factual report submitted by the investigating officer that the petitioner is having no history of involvement in any other criminal case. The prosecution has no case that further custody of the petitioner is necessary to serve any purpose for the prosecution. Considering the fact that the 1st accused has already been enlarged on bail and the contraband involved is intermediate quantity, this court is of the considered view that the rule of parity can be applied and the petitioner can be enlarged on bail with stringent conditions.

In the result, the application is allowed on the following terms:-

1. The petitioner/ accused No.2 shall execute a bail bond for a sum of Rs.75,000/- with two solvent sureties each for like sum. The sureties shall produce original documents with true copies to prove their solvency.
2. The petitioner shall not involve in any offence of similar nature during the pendency of this bail, failing which the bail bond executed will automatically stand forfeited and stand cancelled.
3. The petitioner shall appear before the Sub Inspector of Police, Sreekaryam police station on every Saturday between 11 a.m to 12 noon until further order.
4. The petitioner shall surrender his Indian passport before the Court in a period of seven days of his release. If he is not holding an Indian passport, he shall file an affidavit in this regard.
5. The petitioner shall make himself appear before the court on all

posting days of the case. Application if any for exemption from personal appearance on any day will be allowed only in exception circumstances to the satisfaction of the court.

Dictated to the Confidential Assistant, typewritten by her in the computer, corrected and pronounced in the Open Court by me on the 14th day of January, 2026.

Sd/-
SUDHAKANTH R
ADDL. SESSIONS JUDGE-IV
(In Charge Of Addl. Sessions Judge-II)

(Copies : 4)
Typed by : Rifa
Compared by : Anupama FCS :

(True Copy)

By Order

SHERISTADAR

Copy of Order
in Crl.MP No.4961/2025
in SC. No. 2165/2025
Dated 14-01-2026