

SESSIONS DIVISION, KALPETTA
IN THE COURT OF THE SPECIAL JUDGE NDPS ACT CASES/ADDITIONAL
SESSIONS JUDGE-II, KALPETTA, WAYANAD

Present: Sri.Jayawanth L
Special Judge/Additional District & Sessions Judge-II, Kalpetta
Tuesday, the 9th day of June, 2026
19th day of Jyeshtha, 1948

CRIMINAL MISCELLANEOUS PETITION No.02/2026
IN SC 42/2023 (Cr.No. 461/22 of Pulpally Police Station, Wayanad)

Vishnuprasad, Aged 32 years, S/o
Santhosh, Pulachudalamalayil House,
Thuruthiyad Post, Balussery Village,
Koyilandy Taluk, Kozhikode District.

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Petitioner/
Accused No.2

Vs.

The State of Kerala represented by SHO
Pulpally Police Station, through the Special
Public Prosecutor (NDPS), Additional
Sessions Court-II, Kalpetta

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Respondent/
State

This petition coming on 09.06.2026 for hearing before me in the presence of Sri. Adithya Ajay.K.V, counsel for the Petitioner/Accused No.2 and Sri. M.G. Sredhadharan, Special prosecutor, for trial of offences under NDPS Act for Respondent/State and having stood over for consideration to this day the Court passed the following.

ORDER

This is an application filed by the 2nd accused seeking regular bail u/s. 439 of BNSS.

2. The Inspector of Police, Pulpally Police Station, Wayanad had charge sheeted him for having allegedly committed offence under Section 20 (b) (ii) (B) of the NDPS Act.

3. The prosecution case is that on 18.05.2022 at about 11.10 p.m, the accused 1 and 2 were found in possession of 1.928 kg of Ganja, in contravention of the provisions of the NDPS Act and rules made thereunder, at a road margin situated along the Panjimukku-Perikalloor kadav road in Pulpally amsom at Perikalloor. when the vehicle bearing registration No. KL/60/G/6260 in Thus the accused 1 and 2 committed the offence.

4. According to the petitioner, he could not appear on previous posting dates as he was not served with the summons he had left the place and working at Gujarat. His absence was not willful.

5. The learned Public Prosecutor opposed the application on the ground that if the accused is enlarged on bail, the chances of his being available for trial is bleak.

6. Having regard to the facts and circumstances of the case and in the light of dictum laid down in **Biju .S. Praveen Vs. State of Kerala, 2007 (4) KLT 280**, I am inclined to take a lenient view and allow the application for bail subject to the following conditions:

- (1) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum.
- (2) The petitioner shall appear on all posting dates.
- (3) The petitioner shall not involve in any offence while on bail.
- (4) The petitioner shall surrender his passport before the court and if he is not having passport, he shall file an affidavit to that effect.
- (5) The Petitioner shall state in his affidavit the address and details of the place where he will be staying in Gujarat, as well as the E-mail address and mobile phone number in which he can be contacted at Gujarat. If he is not intending to return to work at Gujarat, he shall furnish the present place of abode and contact number to this court. The petitioner shall intimate his place of abode in Gujarat, if any and the present place of abode together with his contact number to the Inspector, Pulpally Police Station, Wayanad forthwith as well.

- (6) The petitioner shall not influence/intimidate the prosecution witnesses or tamper with evidence.
- (7) The petitioner shall intimate his place of residence together with his contact number to the forthwith.

In the case of violation of bail conditions, the prosecution shall be at liberty to apply for cancellation of bail.

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 9th day of June, 2026).

**SPECIAL JUDGE/
ADDITIONAL SESSIONS JUDGE-II**

**FAIR ORDER IN
Crl.M.P.2/26
SC No. 42/2023
DATED 09.06.2026**