

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II
MANANTHAVADY

Present: Smt.Ambili.S, Judicial First Class Magistrate-II
Mananthavady

Wednesday, this the 29th day of April, 2026
(9th day of Vaisakha, 1948)

CMP No. 02/2026
(In ST - 1398/2023)

Petitioner/Accused : Shefeer, S/o Moidu, Aged 32/22,
Kulangara(H), Erumatheruvu,
Mananthavady.

(By Adv. Sri. Christapher Jose, LADC)

Respondent/Complainant : State represented by the Excise Range Officer,
Mananthavady in crime No. 77/2023.

(By Smt. Sukanya.P, APP- Gr-II)

Offence : U/s.s 8(c) r/w 20(b)(ii)(A) of N.D.P.S Act.

Order : Bail application is dismissed.

ORDER

This is an application filed by the petitioner/accused under Section 436 of the Cr.P.C.

2. The prosecution allegation is that on 20.07.2023 at about 11 A.M, at Bavali Excise Check Post in Thrissileri Village, the petitioner/accused was found in illegal possession of 50 grams of ganja in his possession. Thus, the petitioner/accused is alleged to have committed an offence punishable under Section 8(c) r/w 20(b)(ii)(A) of N.D.P.S Act.

3. The accused was produced before this Court on 14.01.2026 and was remanded to judicial custody.

4. Notice of this application was served on the learned Assistant Public Prosecutor.

5. The learned counsel for the petitioner/accused submitted that the petitioner is innocent of the charges levelled against him. It is submitted that he belongs to a poor family and is unable to furnish solvent sureties. It is further submitted that the Under Trial Review Committee (UTRC) has recommended his release on personal bond in case he is unable to produce solvent sureties. The petitioner is stated to be the sole breadwinner of his family.

6. Heard the learned counsel for the petitioner/accused and the learned Assistant Public Prosecutor. The records have been perused.

7. The offence alleged against the accused is punishable under Section 8(c) r/w 20(b)(ii)(A) of N.D.P.S Act.. The petitioner/accused has been in judicial custody since 14.01.2026. The contention of the petitioner is that he is unable to produce solvent sureties due to his financial condition. It is also submitted that being in custody, he is unable to arrange sureties. However, on perusal of the prosecution records, it is noted that the petitioner/accused has been involved in similar offences in the past and is facing trial in such cases. The case is of the year 2023 and the accused has been absconding for a long time. NBW and steps were issued for seeking his presence. Though he was released on self bond earlier, he failed to appear thereafter. Further, if the petitioner/accused is released on personal bond, his presence for trial may not be secured. Considering the nature of the offence, the antecedents of the accused, and the overall facts and circumstances of the case, this Court is of the opinion that it is not fit and proper to grant bail on personal bond at this stage.

In the result, the bail petition is dismissed.

(Pronounced by me in open court this the 29th day of April, 2026).

Judicial First Class Magistrate -II,
Mananthavady

