

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 30TH DAY OF APRIL, 2020/10TH VAISAKHA, 1942

B.A TMP NO.124 OF 2020

(In NDPS Crime No.22/2020 of the Excise Enforcement & Anti-Narcotic Special Squad (EE & ANSS), Kollam).

PETITIONER/ACCUSED (CUSTODY)

Anilkumar, Aged 39 years, S/o Sadasivan,
Pirangattu Thazhathil Veedu, Panayyam Village,
Chathinamkulam, Channanathope P.O,
Kollam District.

ADV.ALEXANDER GEORGE

RESPONDENTS/COMPLAINANT

1. State of Kerala

Represented by the Public Prosecutor,
High Court of Kerala, Ernakulam.

2. The Excise Inspector,

The Excise Enforcement and Anti Narcotic
Special Squad, Kollam

BY PUBLIC PROSECUTOR SRI.AJITH MURALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30.04.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.G.ARUN, J.

B.A. TMP No. 124 of 2020

Dated this the 30th day of April, 2020.

ORDER

Petitioner is the accused in crime No.22/2020 of Excise Enforcement & Anti-Narcotic Special Squad, Kollam registered for the offences punishable under section 20 (b) (i) (B) of NDPS Act. The prosecution case is that on 27.02.2020 at about 10.05 p.m. the petitioner was found in possession 1.1 kgs of Ganja, near the old bus stand at Karikkodu Kollam. The contraband was seized and the petitioner arrested at the spot.

2. The learned Counsel for the petitioner would submit that the period of 60 days having elapsed after the arrest of the petitioner and the investigation having not completed, the petitioner is entitled for statutory bail as provided under section 167 (2) of CrPC.

3. Learned Public Prosecutor would submit that petitioner has committed offences of similar nature earlier also. It is fairly submitted that the investigation is yet to be completed.

4. In such circumstances, the petitioner is entitled to be enlarged on bail.

Considering the need to follow social distancing norms inside prisons so as to avert the spread of the novel Corona-virus pandemic, the Honourable Supreme Court in **Re: Contagion of COVID-19 Virus In Prisons case (Suo Motu Writ Petition (C).No.1 of 2020)** and a Full Bench of this Court in **W.P(C).No.9400 of 2020** issued various salutary directions for minimising the number of inmates inside prisons. In the circumstances, the Bail Application is allowed with the following directions;

- i) The petitioner shall furnish to the Superintendent of the jail where he is incarcerated, his phone number and the address at which he would be residing after his release. The petitioner shall also provide the address of his proposed sureties and two of his near relatives and submit an undertaking that on release, he would abide by the conditions of the lock down imposed by the Central and State Government and be in quarantine, if so required.
- ii) On the aforementioned conditions being satisfied, the Jail Superintendent shall release the petitioner with due intimation about such release to the Station House Officers of the Police Station where the crime

against the petitioner has been registered and the Police Station within the jurisdiction of which the petitioner would be residing.

- iii) The petitioner shall, immediately after release from prison, report before the Station House Officer of the jurisdictional Police Station and shall produce a copy of the undertaking he had furnished before the Jail Superintendent. The Station House Officer concerned shall keep vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.
- iv) The petitioners shall, within one week from the commencement of functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum to the satisfaction of the jurisdictional Court.
- v) The petitioner/s shall co-operate with the investigation and shall not threaten or make any attempt to influence witnesses or tamper with the evidence.

V.G.ARUN
JUDGE