

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

CRL.MC.NO.2603 OF 2020

(AGAINST THE ORDER DATED 28.02.2020 OF CRL. M. P. NO, 70/2020
OF THE SPECIAL JUDGE (N.D.P.S. ACT CASES) VADAKARA - CRIME
NO.18/2019 OF EXCISE RANGE OLICE, THALASSERY, KANNUR)

PETITIONER/ACCUSED:

RINSHAD @ RIJU,
S/O. KASIM, AGED 30/19 YEARS,
RABIYA QUARTERS, OPP. LOTTUS TALKIES,
THIRUVANGAD AMSOM DESOM,
THALASSERY TALUK, KANNUR DIST.

BY ADV. K. DEEPA (PAYYANUR)

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-31.
2. SATHEESH KUMAR.P.K,
EXCISE CIRCLE INSPECTOR, KOOTHUPARAMBA.

R1 BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

CrI.MC No.2603 of 2020

Dated this the 12th day of May, 2020

O R D E R

Petitioner is an accused in Crime No.18/2019 of Excise Range, Thalassery for being in possession of 20 grams of MDMA, a narcotic substance, attracting offence punishable under Section 22(c) of the NDPS Act, 1985. The petitioner was arrested and was in judicial custody. Final report was not filed within the statutory period, in consequence to which, he was granted statutory bail by the trial Court, on certain conditions. One of the conditions was that he shall not get involved in any other crime during the bail period. The petitioner however infringed the condition by getting involved in crime No.1/2020, for being in possession of Ganja. The prosecution filed CrI.MP No.70/2020 before the trial court, for cancellation of bail. Show cause notice was issued to the petitioner. He neither responded in person, nor was there any effective representation by his counsel. Consequently, the bail was cancelled and the petitioner went back to jail. The petitioner moved the court again for bail afresh and the petition was dismissed stating that there is every possibility that he

may get involved in other cases. Aggrieved by this, the petitioner had approached this Court by filing BA No.2079/2020 and vide order at Annexure-A(VI), this Court rejected the application stating that the petitioner has not challenged the Order cancelling his bail.

2. The petitioner has now approached this Court seeking relief under Section 482 Cr.PC.

3. After having gone through the orders of the learned Special Judge (NDPS Act Cases) cancelling the bail granted to the petitioner for the reasons stated therein, I am of the opinion that the action taken is perfectly justified. I find no reason to interfere with the cancellation of the bail. However, that does not preclude the petitioner from approaching the court afresh and apply for bail again, and considering the circumstances then, the court can pass appropriate orders.

Granting the petitioner the liberty to apply for bail afresh before the trial Court, the Criminal MC is disposed of.

**ASHOK MENON
JUDGE**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-I: TRUE COPY OF THE E-MAIL FORWARDED TO THE INSPECTOR OF EXCISE, THALASSERY FROM THE SPECIAL COURT (N.D.P.S. ACT CASES) VADAKARA REFERRING THE ORDER DATED 14.10.2019 IN CRL.M.C.NO.937/2019 BY THE SPECIAL JUDGE (N.D.P.S. ACT CASES) VADAKARA.

ANNEXURE-II: TRUE COPY OF THE CRIME & OCCURRENCE REPORT OF CRIME NO.01/2020 OF THE EXCISE RANGE OFFICE, THALASSERY.

ANNEXURE-III: TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED TO THE PETITIONER BY THE SPECIAL JUDGE (N.D.P.S. ACT CASES) VADAKARA.

ANNEXURE-IV: TRUE COPY OF THE ORDER DATED 28.02.2020 IN CRL. M. P. NO. 70/2020 OF THE SPECIAL JUDGE (N.D.P.S. ACT CASES) VADAKARA IN CRIME NO.18/2019 OF EXCISE RANGE OFFICE, THALASSERY; KANNUR

ANNEXURE-V: TRUE COPY OF THE ORDER DATED 02.03.20 IN CRL.M.P.NO.153/2020 OF THE SPECIAL JUDGE (N.D.P.S. ACT CASES) VADAKARA.

ANNEXURE-VI: TRUE COPY OF THE ORDER DATED 05.05.2020 IN B.A. NO. 2079/2020 OF THIS HON'BLE COURT