

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

CRIMINAL MISCELLANEOUS CASE NO.9 OF 2020

[SEEKING TO QUASH THE CONDITION OF BAIL ORDER, IN CRL MC NO. 84 /2020 OF ADDITIONAL SESSIONS COURT MANJERI (IN CHARGE OF SPECIAL JUDGE NDPS ACT CASES), FROM CRIME NO 67/2020 OF PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT]

PETITIONER

MUHAMMED HAJ SAR @ AJSAR, AGED 27 YEARS, S/O MUHAMMED, VETTUVEKATTIL HOUSE, AINCHUVADU, KOTT P.O, TIRUR, MALAPPURAM DISTRICT, PIN: 676101.

ADV.SRI.P.T.SHEEJISH

RESPONDENT

THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN: 682031.

BY PUBLIC PROSECUTOR SMT.M.K.PUSHPALATHA

THIS CRIMINAL MISCELLANEOUS CASE HAVING COME UP FOR ADMISSION ON 30.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.G.ARUN, J.

Crl.M.C. No. 9 of 2020

Dated this the 30th day of April, 2020.

ORDER

The petitioner seeks modification of the condition in the bail order granted by the Additional Sessions Court, Manjeri (in charge of Special Judge NDPS Act cases, in Crl.M.C.No.84/2020). The short facts are that, the petitioner is the first accused in Crime No.67/2020 of Perinthalmanna Police Station alleging commission of offences punishable under Section 20(b) and 22(b) and 29 of the NDPS Act. The petitioner was granted bail on 17.04.2020 by the Sessions Court subject to the condition of his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like amount. There was a further condition that one of the sureties should be a relative of the petitioner and the other surety, be a Government employee. The petitioner is aggrieved by the latter condition which require a relative and a Government

employee to be sureties for the purpose of his bail.

I find substantial force in the contention of the petitioner that the provisions of the Code of Criminal Procedure do not envisage a condition of the sureties being either relatives or Government employees. This Court has time and again deprecated the practice of imposing onerous conditions while granting bail, especially conditions which are not impossible of compliance.

In the result, the condition under challenge is deleted and it is made clear that the petitioner need only execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like amount, to the satisfaction of the Sessions Court.

This Criminal M.C. is allowed as above.

V.G.ARUN
JUDGE