

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 07<sup>TH</sup> DAY OF APRIL, 2020 /18<sup>TH</sup> CHAITHRA, 1942

Bail Appl.No.1708 OF 2020

EXCISE CRIME NO.03/2020 OF CHADAYAMANGALAM EXCISE RANGE OFFICE

PETITIONER/1ST ACCUSED:

VISHNU, AGED 30 YEARS,  
S/O.PRABHAKARAN, PARAVILA VEEDU,  
CHERUKARA BHAGAM, KUMMIL MURI, KUMMIL VILLAGE,  
KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADVS.SRI.DARSAN SOMANATH  
SRI.JAYASANKAR P.R.  
SMT.MANJUSHA K

RESPONDENT:

STATE OF KERALA,  
REPRESENTED BY THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,  
CHADAYAMANGALAM, THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

This application is filed under Section 439 of the Cr.P.C.

2. Applicant herein is the 1st accused in Crime No.3 of 2020 registered at the Chadayamangalam Excise Range, under Section 20 (b)(ii) (b) of the NDPS Act, 1985.

3. Sri.Darsan Somanath, the learned counsel appearing for the applicant submitted that the contraband seized from the possession of the applicant is 2.95 kgs of Ganja, and falls within the quantity, prescribed as intermediate. He would point out that the applicant has been undergoing custodial detention from 2.2.2020, and the statutory period under Section 167(ii) of the Cr.P.C. having expired, he is entitled to be released on bail.

4. The learned Public Prosecutor, Sri.Renjith T.R., has opposed the prayer. He would urge that the applicant is involved in two other crimes.

5. From the submissions, it appears that the investigation has advanced to the end stages. He was arrested on 2.2.2020 and more than 60 days has elapsed, the applicant is entitled to Statutory bail. I also take judicial notice of the Lockdown imposed in the State in view of the COVID 19 Pandemic and the general directions issued by the Hon'ble Supreme Court as well as a Full Bench of this Court to decongestant the Jails. Having considered the facts and circumstances and the submissions made across the bar, I am of the considered opinion that the applicant can be granted bail for a period of two months from today subject to the condition

that he appears before the Jurisdictional Court and executes bond within the said period.

6. In the result, this application will stand allowed. The Superintendent of the Jail wherein the applicant is incarcerated is directed to release the applicant provisionally on bail for a period of 60 days on the applicant executing a personal bond without sureties. The above order shall be subject to the following conditions:

- i. On or before the expiry of the said period, the applicant shall appear before the jurisdictional court and shall execute a bond for a sum of Rs.50,000/- with two solvent sureties. The jurisdictional court will be at liberty to impose additional conditions to secure his continued presence.
- ii. The applicant shall furnish to the Jail Superintendent the permanent place of his abode and shall undertake that he shall remain in quarantine for a period of 30 days from the date of this order. He shall also furnish his phone number and the phone number of his immediate relative. Before releasing the accused the superintendent of jail concerned shall verify the above details. The Superintendent of Jail shall also intimate the release of the petitioner to the SHO of the Police Station which has registered the crime.
- iii. On being released from prison, the applicant shall report before the jurisdictional police station and shall furnish a copy of the undertaking furnished before the Jail Superintendent. The SHO concerned shall ensure that the applicant does not leave the premises where he has undertaken to remain in quarantine till such time the lockdown period continues in force, otherwise than for emergent situations, and exceptional reasons provided under the orders passed by Central and State Governments, for COVID-19 pandemic.
- iv. The applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever.
- v. The applicant shall not commit any offense while on bail.

vi. If the applicant violates any of the conditions above, the Station House Officer may approach the jurisdictional court and may move an application for cancellation of bail, which shall be considered and disposed of by the said court notwithstanding the fact that interim bail has been granted by this Court.

**RAJA VIJAYARAGHAVAN V. ,  
JUDGE**

ps/7/4/2020