

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

B.A. TMP - 4 OF 2020

CRIME NO.06/2020 OF EXCISE RANGE IRINJALAKUDA, THRISSUR DISTRICT

PETITIONER/ACCUSED:

SHAIJU @ PALLAN SHAIJU, AGED 40 YEARS,  
S/O.VARGHESE, MACHINGAL HOUSE,  
PANTHALLOOR DESOM, NELLAYI VILLAGE,  
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV.SRI.UNNIKRISHNAN V. ALAPPAT

RESPONDENTS/COMPLAINANT/STATE:

1. THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,  
IRINJALAKUDA.
2. STATE REPRESENTED BY 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. The applicant herein is the accused in Crime No. 6 of 2020 registered at the Irinjalakkuda Excise Range under Sections 20(b)(ii)(b) of the NDPS Act, 1985.

3. The Crux of the prosecution allegation is that the applicant was found having in his possession 1.150 kgs of Ganja on 9.3.2020.

4. Sri Unnikrishnan, the learned Counsel appearing for the petitioner submitted that the petitioner has been falsely implicated by the police. He would contend that nothing was seized from his possession and the drag was planted by his detractors with the assistance of the Excise Personnel.

4. Sri. T.R.Renjith, learned Senior Public Prosecutor, submitted that the applicant is a person with very poor antecedents.

5. I have considered the submissions advanced and have gone through the records which are made available.

6. Though prima facie, the allegations appear to be very grave, it cannot be ignored that a lockdown has been imposed in the Country and the citizens therein have been advised to practice social distancing and to quarantine themselves. The quantity of narcotics seized from the possession is just above the upper limit of small quantity. The Hon'ble Supreme Court as well as a Full Bench of this Court has issued directions to decongest the Jails. In that view of the matter, I am of the considered opinion that the applicant herein can be granted provisional bail for a period of 30 days from today.

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 30 days on the applicant executing a personal bond without sureties. The above order shall be subject to the following conditions:

- i. The applicant shall furnish to the Jail Superintendent, the permanent place of his abode, and he shall undertake that he will 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 applicant to the Station House Officer of the Police Station which has registered the crime.

- ii. 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.
- iii. The applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever. He shall not make any contact with the victim.
- iv. The applicant shall not commit any offense while on bail.
- v. On the expiry of 30 days, ordered as above, or within three days of the withdrawal of the lockdown by the Government, whichever is earlier, the applicant shall appear before the jurisdictional Court and seek regular bail and the Court shall consider his application on its merits and pass appropriate orders.

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**