



2023/KER/56919

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

MONDAY, THE 25TH DAY OF SEPTEMBER 2023 / 3RD ASWINA, 1945

BAIL APPL. NO. 7400 OF 2023

(Crime No.855 of 2023 of Tanur police station, Malappuram)

PETITIONERS

- 1 MANSOOR
AGED 35 YEARS
S/O ABOOBACKER, KARUKAVAYAL HOUSE, VELIMUKKU P.O,
THAZHE CHELARI, MALAPPURAM DISTRICT, PIN - 676311
 - 2 ABID
AGED 34 YEARS
S/O KUNJI MUHAMMED, PALLIYALIL HOUSE, PARAMBIL
PEEDIKA, MALAPPURAM DISTRICT, PIN - 676317
 - 3 JABEER
AGED 35 YEARS
S/O ABOOBAKER, CHEVIDIKKUNNAN HOUSE, KATILANGADI,
TANUR, MALAPPURAM DISTRICT, PIN - 676302
 - 4 MUHAMMED.K.T
AGED 42 YEARS
S/O KUNJIKAMMU, MALAPARAMBIL HOUSE, OLAKARA P.O
THIRURANGADI, MALAPPURAM, PIN - 676306
- SRI.P.V. JEEVESH - FOR PETITIONERS 1,2 AND 4 AS PER
MEMO

RESPONDENTS

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM, PIN - 682031
- 2 SUB INSPECTOR OF POLICE
THANUR POLICE STATION, MALAPPURAM REVENUE DISTRICT,
PIN - 676302
SRI.P.G MANU SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**MOHAMMED NIAS C.P., J.**-----
B.A.No. 7400/2023
-----Dated this the 25th day of September, 2023**ORDER**

This application is filed under Section 439 of the Code of Criminal Procedure, seeking regular bail.

2. The petitioners are the accused Nos.2 to 5 (a memo has been filed indicating relinquishment of the vakalath of the 4th accused, who is the third petitioner herein) in Crime No. 855/2023 of Tanur Police Station, Malappuram District, for having committed offences punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. The prosecution allegation is that, on 01.08.2023 at 00.08 Hours, the Sub Inspector of Tanur Police Station got secret information that a group of people were selling a Synthetic narcotic drug called MDMA in a red colour Tata Nexon car bearing number KL-65-N-3754 p.m., and after recording the information in the General Diary No.2, prepared a report to the Superior office, the Inspector of Tanur Police



station, with SCPO 5231 Sreehareesh, CPO 6600 Libin and DVR CPO 6686 Prasobh proceeded to the site in a Jeep bearing number KL-01-CH-8041 with the investigation kit and reached at the place of incident at 00.15 HRS and found the car. There were five passengers in the car, and seeing the police party, they attempted to escape, and the police party arrested the accused from the site. Thereafter, in the presence of the Thirurangadi Police Inspector, a search was conducted on the body of the accused in the presence of independent witnesses at 01.01 Hrs and seized 18.14 grams of MDMA from the possession of the accused persons along with other personal properties and thereby committed the offence.

4. The learned counsel appearing for the petitioners would say that the petitioners are totally innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioners have been in custody since 01/08/2023, and continued custody of the petitioners is unnecessary.

5. The learned public prosecutor opposed the petition. The learned Public Prosecutor makes available the FSL report for perusal, which shows that the contraband seized is Methamphetamine and not MDMA. Learned counsel for the petitioner argued that this is a case wherein the 1st accused died while in police custody, and the above



case is framed only to save the face of the police and to ward off the allegations against them.

5. After considering the rival submissions and taking into account the fact that the Report shows that the contraband seized is Methamphetamine, the fact that the petitioners have been in custody since 01/08/2023 and also the order of this Court in B.A. 7572/2023 of this day as regards the 4th accused, I hold that the petitioners can be enlarged on bail.

Accordingly, this application is allowed, and the petitioners are granted bail subject to the following conditions:-

(i) The petitioners shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The petitioners shall report before the Investigating Officer every Saturday between 9 a.m. and 10 a.m. till the final report is laid;

(iii) The petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;

(iv) The petitioners shall not be involved in any other crime while on bail.

(v) If any of the conditions are violated, the court concerned will



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be empowered to take steps for cancellation of bail as per law;

sd/-

**MOHAMMED NIAS C.P.
JUDGE**

smm



APPENDIX OF BAIL APPL. 7400/2023

PETITIONER ANNEXURES

- Annexure A1 THE TRUE COPY OF THE FIR NO. 855/2023
BY THE THANUR POLICE STATION,
INCORPORATING OFFENCE UNDER SECTION 22
(C) OF NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT, 1985,
- Annexure A2 THE TRUE COPY OF THE FIR IN CRIME NO.
856 /2023 OF THANUR POLICE STATION,
REGISTERED FOR UNNATURAL DEATH