



2026:KER:45607

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 23<sup>RD</sup> DAY OF JUNE 2026 / 2ND ASHADHA, 1948

BAIL APPL. NO. 3181 OF 2026

CRIME NO.697/2025 OF THAMARASSERY POLICE STATION, KOZHIKODE  
AGAINST THE ORDER DATED 25.11.2025 IN BAIL APPL. NO.12603 OF  
2025 OF HIGH COURT OF KERALA

PETITIONER/ACCUSED:

VISHNU NP  
AGED 30 YEARS  
S/O  
MANOJ, NADUPUTHALATH, KORANGAD, THAMARASSERY, KOZHIKOD  
E DIST, PIN - 673573.

BY ADVS.  
SRI.M.DEVESH  
SRI.M.ANUROOP  
SHRI.MURSHID ALI M.  
SMT.JYOTHIS MARY  
SMT.S.K.SREELAKSHMY

RESPONDENT/COMPLAINANT:

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAMKULAM, PIN - 682031.

SRI.THOMAS SABU VADAKEKUT, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
23.06.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



## **ORDER**

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, BNSS), seeking regular bail.

2. The applicant is the sole accused in Crime No.697/2025 of Thamarassery Police Station, Kozhikode District. The offence alleged is punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act).

3. The prosecution case, in short, is that at 01:15 hours on 12.07.2025, at a footpath in Thamarassery, the applicant was found in possession of 52.45 grams of MDMA and thereby committed the above offence.

4. I have heard Sri.M. Devesh, the learned counsel for the applicant and Sri.Thomas Sabu Vadakekut, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that there is a total violation of Section 50 of the NDPS Act and, therefore, the search and seizure are vitiated. Hence, the applicant is entitled to be released on bail. On the other hand, the



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learned Public Prosecutor submitted that, since the applicant took the contraband from his pocket and handed it over to the detecting officer, there was no necessity for any compliance with Section 50 of the NDPS Act.

6. I went through the seizure mahazar as well as the remand report. It would show that the detecting officer, while conducting patrol duty, found the applicant standing on the side of the road. When he saw the detecting officer, he was perplexed and, thereafter, the detecting officer intercepted him and conducted a search of his body. On such search, the detecting officer found something bulging in the front pocket of his pants. Then, the detecting officer asked the applicant to take the same out of his pocket. Accordingly, the applicant took it out and handed over to the detecting officer. On examination, it was found to contain MDMA. Therefore, it is a case where the contraband was seized after conducting a body search of the applicant, though the applicant himself took the contraband from his pocket and handed it over to the detecting officer. When a body search is conducted, it is mandatory that Section 50 of the NDPS Act be complied with. The prosecution has no case at all that there was compliance with Section 50 of the NDPS Act. Hence, I am of the



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view that the rigour of Section 37 of the NDPS Act cannot be attributed to the applicant. The applicant has been in custody since 12.07.2025. For these reasons, I do not find any reason to hold that the continued detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail.

In the result, the application is allowed on the following conditions: -

(i) The applicant shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of



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the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/-

**DR. KAUSER EDAPPAGATH**  
**JUDGE**

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**APPENDIX OF BAIL APPL. NO. 3181 OF 2026**

**PETITIONER ANNEXURES**

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| <b>Annexure A1</b> | <b>THE TRUE COPY OF THE FIR AND FIS DATED 12.07.2025 IN NDPS CRIME 697/2025 ON THE FILES OF THE THAMARASSERY POLICE</b> |
| <b>Annexure A2</b> | <b>THE TRUE COPY OF THE REMAND REPORT IN CRIME NO 697/2025 ON THE FILES OF THE THAMARASSEY POLICE STATION</b>           |
| <b>Annexure A4</b> | <b>THE TRUE COPY OF ORDER DATED 21/05/2026 IN CRL MP 1/2026 ON THE FILES OF THE SPECIAL COURT (NDPS)VADAKARA</b>        |
| <b>Annexure A3</b> | <b>THE TRUE COPY OF THE ORDER DATED 25/11/2025 IN BA 12603/2025</b>   |