

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

Tuesday, the 25th day of July 2023 / 3rd Sravana, 1945

BAIL APPL. NO. 5549 OF 2023

CRIME NO.291/2023 OF Kattoor Police Station, Thrissur

PETITIONER/3RD ACCUSED:

ANURAJ, AGED 25 YEARS, NJATTUVETTI HOUSE, ANANDAPURAM, EDAYATTUMURI
DESOM, ANANTHAPURAM VILLAGE, MUKUNDAPURAM TALUK, THRISSUR, PIN -
680305

RESPONDENT/COMPLAINANT:

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

This Bail application coming on for orders upon perusing the
petition and upon hearing the arguments of M/S. SARATH BABU KOTTAKKAL
Advocate for the petitioner and of PUBLIC PROSECUTOR for the respondent,
the court passed the following:



ZIYAD RAHMAN A.A, J.

B.A.Nos. 5686, 5549 &
5693 of 2023

Dated this the 25th day of July, 2023

O R D E R

In the crime, which is the subject matter of these applications, the contraband article recovered is 14.85 gms. of MDMA. The offence under Section 22(c) which is applicable to commercial quantity is incorporated on the ground that, as per schedule of the Act, the commercial quantity of MDMA is 10 gms. However, it has come to the notice of this Court that, in most of the cases registered under Section 22(c) on the ground that the contraband article recovered was MDMA, at a later stage, it was found to be Methamphetamine, the commercial quantity of which, is fixed as 50 gms. However, the unfortunate aspect is that, in all those cases, there is inordinate delay in getting the scientific examination report to identify the contraband article as Methamphetamine. On account of such delay on the part of the authorities concerned to get the

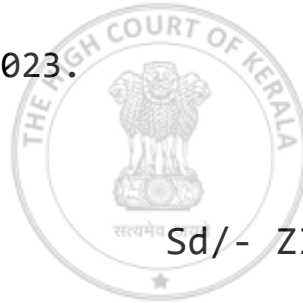
contraband article identified, through a proper scientific examination, the accused persons are being faced with prosecution, for more severe offences and consequential incarceration. This is causing difficulties to the court as well as the persons involved in the same.

2. As per Rule 14 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 the scientific examination report is to be made available within 15 days. In such circumstances, as the statutory rule contemplates for a time bound certification, it is the duty of the State to provide necessary facilities for ensuring the timely examination of the contraband articles in tune with the statutory period stipulated. In this regard, the learned Public Prosecutor pointed out that, as of now, no separate labs for conducting the test of narcotic drugs for the purpose of NDPS Act are available. At present, the tests are being conducted in the common labs where thousands of samples in connection with all the other offences are being tested. Considering the increasing number of NDPS cases, it is only proper that ample facilities are put in

place, to ensure the timely examination of this contraband articles. The learned Public Prosecutor submits that this aspect has been brought to the notice of the Government and steps are being taken.

3. In such circumstances, the learned Additional Director General of Prosecution is directed to place a statement, indicating the steps taken to ensure the completion of the chemical analysis of narcotic drugs, within the stipulated time.

Post on 08.08.2023.



Sd/- ZIYAD RAHMAN A.A., JUDGE

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