2026:KER:86283

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2026 / 20TH KARTHIKA, 1948

BAIL APPL. NO. 6621 OF 2026

CRIME NO.442/2026 OF CHANDERA POLICE STATION, KASARGOD

AGAINST THE ORDER DATED 09.10.2026 IN CRMP NO.7 OF 2026 OF DISTRICT COURT & SESSIONS & MOTOR ACCIDENT CLAIMS TRIBUNAL, KASARAGOD

PETITIONER/4TH ACCUSED:

SAINUL ABIDIN E S
AGED 41 YEARS
S/O SAINUDHEEN, ELIENJIKKATTU(HO), WEST VENGOLA, ARAKKAPATI, VALAYANCHIRANGARA(PO), ERNAKULAM DISTRICT, PIN - 683556

SRI.M.DEVESH
SRI.M.ANUROOP
SMT.JYOTHIS MARY
SMT.S.K.SREELAKSHMY
SRI.MURSHID ALI M.
SRI.HASSAN M.K

RESPONDENT/COMPLAINANT:

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

SRI.THOMAS SABU VADAKEKUT, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.11.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. The applicant is the accused No.4 in Crime No.442/2026 of Chandera Police Station, Kasaragod District. The offences alleged are punishable under Sections 22(c), 29 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case, in short, is that on 09.08.2026 at 7.50 a.m., the accused Nos.1 to 3 were found in possession of 139.29 grams of MDMA in a car bearing registration No.KL-40-W-6051 in a place called Kaalikkadavu at the National Highway 66 in Kasaragod District and thereby committed the aforesaid offences.

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 the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to bail. On the other hand, the learned Public

Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on 10.08.2026. The applicant is a 41-year-old married person. He is having children as well. The medical records produced as well as the medical report called for from the Jail Superintendent would show that the applicant is suffering from Bilateral Renal Parenchymal Disease, Grade IV**.** The ultrasound report shows severe widespread changes in functional tissues of both kidneys, often correlating with advanced or end-stage kidney damage. The learned counsel for the applicant submitted that the only course left for the applicant is to undergo kidney transplantation. The contraband was not seized from the possession of the applicant. It was seized from the possession of the accused Nos.1 to 3. The applicant has been arrayed as an accused on the ground of conspiracy. It is true that the investigation is still going on and the involvement of the applicant is to be found out. However, considering the critical health condition of the applicant, I am of the view that he can 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 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

NP

APPENDIX OF BAIL APPL. NO. 6621 OF 2026

PETITIONER ANNEXURES

Annexure A1	**THE TRUE COPY OF THE FIR AND FIS DATED 09.08.2026 IN NDPS CRIME NO.442/2026 ON THE FILE OF THE CHANDERA POLICE STATION**
Annexure A2	**THE TRUE COPY OF THE SEIZURE MEHSAR DATED 09/08/2026 IN CRIME NO 442/2026 ON THE FILES OF THE CHANDERA POLICE STATION**
Annexure A3	**THE TRUE COPY OF THE REMAND REPORT IN CRIME NO 442/2026 ON THE FILES OF THE CHANDERA POLICE STATION**
Annexure A4	**.THE TRUE COPY OF THE ORDER DATED 09/10/2026 IN CRL MP 07/2026**
Annexure A5	**THE TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE MALAKANARA ORTHODOX SYRIAN CHURCH MEDIAL MISSION HOSPITAL**