

(2021) 06 KL CK 0190

High Court Of Kerala

Case No: Bail Appl. No. 4628 Of 2021

Ratheesh P

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: June 14, 2021

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Kerla Abkari Act, 1967 - Section 55(a), 55(i), 58

Hon'ble Judges: Ashok Menon, J

Bench: Single Bench

Advocate: T.Madhu, C.R.Saradamani, V.Sreeja

Final Decision: Dismissed

Judgement

Ashok Menon, J

1. Application for regular bail under Section 439 Cr.PC.

2. The applicant is the sole accused in Crime No.272/2021 of Chandra Police Station, Kasaragod District for having allegedly committed offences punishable under Sections 55(a), 55(i) and 58 of the Kerala Abkari Act.

3. The prosecution case, in brief, is that on 18.5.2021 at about 5.50 p.m., the applicant was found to be in possession of 20 bottles of Indian Made Foreign Liquor each containing 180 ml intended for sale in the State of Karnataka, which he was carrying on a scooter bearing Regn.No.KL-60-M-

7769. He was intercepted and apprehended near Sree Bhagavathy Temple, Panakkavu near Pekkadam in Trikkaripur Village. He was arrested and remanded to judicial custody and continues in custody.

4. The applicant states that the allegations are not true and that he has been falsely implicated in this case. He has no criminal antecedents of similar nature and hence, seeks regular bail.

5. Heard the learned counsel for the applicant and the learned Public Prosecutor.

6. The learned Public Prosecutor points out that the applicant has a criminal antecedent, but that is an IPC offence. He is not involved in offence of similar nature. Considering the quantity of the liquor involved and that the applicant has no criminal antecedents of similar nature and also the present pandemic situation, I find that further incarceration of the applicant is not necessary. He is entitled to be released on bail.

In the result, the Bail Application is allowed and the applicant is directed to be released on bail on execution of a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on the following further conditions:

(i) He shall appear before the investigating officer as and when called for.

(ii) He shall not attempt to influence or intimidate the witnesses or tamper with evidence.

(iii) He shall not get involved in similar offences during the currency of the bail.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to approach the jurisdictional court for cancellation of the bail.