

(2022) 02 KL CK 0031

High Court Of Kerala

Case No: Bail Application No. 854 Of 2022

Vineesh

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Feb. 3, 2022

Acts Referred:

- Kerala Abkari Act, 1967 - Section 55(a)(h), 55(i)

Hon'ble Judges: Gopinath P, J

Bench: Single Bench

Advocate: Babu S. Nair, Ranjith

Final Decision: Dismissed

Judgement

Gopinath P., J

1. This is an application for regular bail.
2. The petitioner is the accused in Crime No.57/2022 of Changaramkulam Police Station, Malappuram District, alleging commission of offences under Sections 55(a)(h) and (i) of the Abkari Act.
3. The allegation against the petitioner is that he was found in possession of 5.5 litres of Indian Made Foreign Liquor which he had kept in his possession for the purposes of sale.
4. The learned counsel for the petitioner submits that the Indian Made Foreign Liquor in question was admittedly one purchased from a Government outlet and the only offence that could have been charged against the petitioner is an offence for having liquor in excess of the quantity specified in the Foreign Liquor Rules. It is submitted that the petitioner has been in custody from 23.1.2022 and his further detention is not required for the purposes of

any investigation.

5. I have heard the learned Public Prosecutor also.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations against the petitioner, I am convinced that

the custody of the petitioner is no longer required for the purposes of any investigation.

7. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the

jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No.57/2022 of Changaramkulam Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.57/2022 of Changaramkulam Police Station;

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.57/2022 of Changaramkulam Police Station may file an application

before the jurisdictional Court for cancellation of bail.