

Manoj E vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./688/2023

Appellant : Manoj E

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
CRIME No.5 OF 2023 OF EXCISE RANGE OFFICE, PERAVOOR,
KANNUR DISTRICT PETITIONER/ACCUSED: MANOJ E AGED 49
YEARS S/O PANDMANABHAN, VARIYANGOD HOUSE,
MELMURINGODI P.O, MANATHANA, KANNUR, PIN - 670673 BY ADV
JOMY K. JOSE RESPONDENT: 1 STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
2 EXCISE RANGE OFFICER, EXCISE RANGE OFFICE PERAVOOR,
KANNUR DISTRICT, PIN - 670673 SMT.SHEEBA THOMAS, PUBLIC
PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 31.01.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ORDER

Dated this the 31st day of January, 2023 This is a petition filed under Section 439 of the Code of Criminal Procedure, 1973 and the petitioner, who is the sole accused in crime No.5/2023 of Peravoor Excise Range seeks regular bail.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the case diary materials placed by the learned Public Prosecutor.

4. The prosecution allegation is that at 12.45 pm on

17.01.2023, the accused was found in possession of 50 litre of wash near Puralimala, Manathana amsam, Muringodi desam, Iritty Taluk, against the prohibitions contained in the Kerala Abkari Act. The contraband was taken into custody and the petitioner was arrested from the spot. Thereafter crime was registered alleging commission of offence punishable under Section 55(g) of the Kerala Abkari Act.

5. The learned counsel for the petitioner submitted that

the petitioner is innocent. He also pointed out that the petitioner has no criminal antecedents. Highlighting the custody of the petitioner from 17.01.2023 onwards and the progress of investigation, the learned counsel for the petitioner pressed for grant of regular bail.

6. The learned Public Prosecutor opposed grant of bail

to the petitioner and submitted that 50 litre of wash involved in this matter and therefore, the premature release of the petitioner would be fatal to the prosecution. The learned Public Prosecutor not pointed out any criminal antecedents in relation to the petitioner. The records forming part of the case diary produced by the

learned Public Prosecutor would go to show that the investigation requiring the petitioners custody is practically over. Therefore, I am inclined to release the petitioner on bail. In the result, this petition stands allowed. The petitioner is enlarged on bail on the following conditions:

i. The petitioner shall be released on bail on his executing 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 concerned.

ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. iii. The petitioner shall appear before the Investigating Officer as and when directed. iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer.

v. The petitioner shall not involve in any other offence during the currency of bail and any such event, if informed or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN JUDGE
nkr

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