

Baskaran.P.V vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-01-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./9173/2022

Appellant : Baskaran.P.V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
CRIME NO.50/2022 OF PARALI EXCISE RANGE, PALAKKAD
PETITIONER/SOLE ACCUSED: BASKARAN.P.V S/O VELAN, AGED 43
YEARS PADIKKAL VEETIL, MUNDUR, PALAKKAD, BY ADVS.
S.NIDHEESH SHIJU VARGHESE RESPONDENT/STATE: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR
SMT.V.SREEJA-SR.PP THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ORDER

The petitioner is an accused in Crime No.50/2022 of Parali

Excise Range which was registered for the offences punishable under Sections 55(f), 55(g), 8(1) and 8(2) of the Kerala Akbari Act. The prosecution case is that, on 04.04.2022 at about 12.35 p.m., 6.750 litres of arrack in 3 plastic bottles and 50 litres of wash were recovered from the premises of the house of the petitioner. The crime was registered in such circumstances and as the petitioner apprehends arrest in connection with the investigation of the said case this application for anticipatory bail is submitted.

2. Heard Sri.S.Nidheesh, learned counsel for the petitioner and Smt.Sreeja V., learned Public Prosecutor for the State.

3. I have gone through the records. It is evident from the

records that, recovery was effected from the house of the petitioner. Therefore, there is a prima facie case is made out. As per Section 41A of the Abkari Act, the bail can be granted only if the court is satisfied that, the petitioner is not involved in the offence and he will not commit the offence again. When going through the materials placed on record, there is a prima facie case against the petitioner and therefore, I am of the view that, this is not a fit case in which anticipatory bail can be granted.

Therefore, I do not find any merit in this application and accordingly, it is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE scs

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