

**Sumesh, vs State of Kerala,**

**Sumesh, vs State of Kerala,**

**SooperKanoon Citation :** [sooperkanoon.com/1440098](http://sooperkanoon.com/1440098)

**Court :** Kerala

**Decided On :** Feb-01-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./60/2022

**Appellant :** Sumesh,

**Respondent :** State of Kerala,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
TUESDAY, THE 1ST DAY OF FEBRUARY 2022 / 12TH MAGHA, 1943  
BAIL APPL. NO. 60 OF 2022 Crime No.37/2021 of Kunnamkulam Excise  
Range PETITIONER/ACCUSED: SUMESH, AGED 38 YEARS,  
S/O.THANKAPPAN, NJALIKKAL,NO. 2/18, CHOONDAL GRAMA  
PANCHAYATH, CHOONDAL VILLAGE, KUNNAMKULAM, THRISSUR  
680 502. BY ADV R.UMASANKAR(K/2724/1999)

RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN 682  
031 OTHER PRESENT: SMT. SEETHA .S. (SR.PP) THIS BAIL APPLICATION  
HAVING COME UP FOR ADMISSION ON 01.02.2022, THE COURT ON THE

## **ORDER**

The petitioner is the accused in Crime No.37/2021 of Kunnankulam Excise Range, Thrissur District alleging commission of offence under Section 55 (g) of the Abkari Act.

2. The allegation against the petitioner is that about 120 litres of wash was recovered from a shed which is used as a firewood shed of the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is

absolutely innocent in the matter. It is submitted that even at the time when the Excise party had conducted the search, the petitioner and his daughter were tested COVID positive and were in quarantine. It is submitted that the property of the petitioner does not have a compound wall and the shed was easily accessible to any member of the public. It is submitted that the petitioner has no criminal antecedents and he has absolutely no connection with the contraband seized from the shed.

4. The learned Public Prosecutor on instructions would submit that the

contraband was recovered from a shed which is close to the house of the petitioner and situated within his compound. While it is true that the petitioner and his daughter were undergoing quarantine at the relevant time on account of COVID 19 infection, that by itself does not indicate the contraband recovered is not recovered from the possession of the petitioner. It is submitted that the petitioner is now unnecessarily putting up a case that the contraband was not recovered from his possession and he has nothing to do with it. However the learned Public Prosecutor confirms that no criminal antecedents have been reported as against the petitioner.

B.A. No.60/2022 -3-

5. Having regard to the facts and circumstances of the case and I am

convinced that as the custodial interrogation of the petitioner may not be necessary for a proper investigation into Crime No.37/2021 of Kunnankulam Excise Range, the petitioner can be granted bail subject to conditions. In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with Crime No.37/2021 of Kunnankulam Excise Range subject to the following conditions:-

(i) 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) Petitioner shall co-operate with the investigation and shall report

before the Investigating officer in Crime No.37/2021 of Kunnankulam Excise Range at 9 a.m on 07-02-2022 and 08-02-2022 and thereafter whenever called upon to do so;

(iii) Petitioner shall not interfere with the investigation or to influence or intimidate any witness in Crime No.37/2021 of Kunnankulam Excise Range;

(iv) 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.37/2021 of Kunnankulam Excise Range may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**