

Gopalakrishnan vs State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./181/2022

Appellant : Gopalakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 BAIL APPL. NO. 181 OF 2022 Crime No.4/2022 of Karunagapally
Excise Range PETITIONER/ACCUSED: GOPALAKRISHNAN AGED 55
YEARS S/O.VELAYUDHAN, KOTTAKKAPURAM PUTHUVAL KOTTEL
VEEDU, KULASEKHARAPURAM VILLAGE, KARUNGAPPALLY
TALUK. BY ADVS. M.R.SARIN R.K.CHIRUTHA NEELANJANA NAIR
RANJITH E N RAJITHA V.K M.R.SASITH RESPONDENT/STATE:
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. OTHER
PRESENT: ADV ASHI -PP THIS BAIL APPLICATION HAVING COME

UP FOR ADMISSION ON 03.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.181/2022 -2-

ORDER

The petitioner is the accused in Crime No.4/2022 of Karunagapally Excise Range alleging commission of offences under Sections 8 (i) & 55 (g) of the Kerala Abkari Act.

2. The allegation against the petitioner is that on 02-01-2022 at

about 9.20 a.m the petitioner was found in possession of 10 litres of arrack and 250 litres of wash for the purposes of illegal distilling of arrack at his house situated within the limits of the Kulasekharapuram Grama Panchayat.

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

is absolutely innocent in the matter. It is submitted that the recovery was not from the possession of the petitioner. It is submitted that the petitioner is a 55 year old man and has been in custody from 02-01-2022. It is submitted that his continued detention is not necessary for the purpose of any investigation.

4. I have heard the learned Public Prosecutor also. The learned

Public Prosecutor vehemently opposes the grant of bail. It is submitted that the petitioner was clearly found not only in possession of illicit arrack but also in possession of a huge quantity of wash which was meant for the purposes of distilling arrack illegally. It is submitted that the petitioner is not entitled to be released on bail.

5. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been in custody since 02-01-2022 and further considering the fact that his continued detention may not be

B.A. No.181/2022 -3- necessary for the purpose of investigation in the matter and also considering the fact no criminal antecedents are reported against the petitioner, I am of the opinion that 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, 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.4/2022 of Karunagapally Excise Range as and when summoned to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.4/2022 of Karunagapally Excise Range;

(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.4/2022 of Karunagapally Excise Range may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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