

Haridas vs State of Kerala

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./372/2022

Appellant : Haridas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943
BAIL APPL. NO. 372 OF 2022 CRIME NO.1/2022 OF CHAVAKKAD
EXCISE RANGE, THRISSUR DISTRICT AGAINST THE
ORDER/JUDGMENT IN MP 53/2022 OF JUDICIAL MAGISTRATE OF
FIRST CLASS II, CHAVAKKAD PETITIONER/ACCUSED: HARIDAS
AGED 52 YEARS S/O.VELAYUDHAN, KEERIYATTIL HOUSE,
PARAPPOOR DESOM, THOLUR VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT, PIN - 680 552. BY ADVS. JOSEPH GEORGE
P.K.HASSANKUTTY RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM, PIN - 682 031. OTHER PRESENT: ADV ASHI - PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.372/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the sole accused in Crime No.1/2022 of Chavakkad Excise Range, Thrissur District alleging commission of offence under Sections 8(1) & (2) of the Kerala Abkari Act.

3. The allegation against the petitioner is that the petitioner was found in possession 35 litres of illicit arrack. It is alleged that the contraband was recovered from his possession.

4. The learned counsel for the petitioner submits that the

petitioner is absolutely innocent in the matter. It is submitted that the contraband was not recovered from the possession of the petitioner. It is submitted that the contraband was recovered from the abandoned house, which is in the ownership of the petitioner. It is submitted that the petitioner has no connection whatsoever with the alleged contraband. Finally it is submitted that the petitioner has been in custody from 3.1.2022 and his continued detention is not necessary for the purposes of any investigation.

5. I have heard the learned Public Prosecutor also.

6. The learned Public Prosecutor vehemently opposes the grant of bail. It is submitted that the contraband was recovered from a house in the ownership of the petitioner and the Excise Patrol Party had intercepted the

petitioner while he was found carrying two cans of illicit arrack. It is submitted that the petitioner cannot take refuge under the plea that the contraband was recovered from an abandoned house. B.A.No.372/2022 3

7. Having regard to the facts and circumstances of the case and

considering the fact that the petitioner has been in custody from 3.1.2022, I am of the opinion that the continued detention of the petitioner may not be necessary for the purposes of any investigation.

8. 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. 1/2022 of Chavakkad Excise Range, Thrissur, 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.1/2022 of Chavakkad Excise Range, Thrissur ;

(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.1/2022 of Chavakkad Excise Range, Thrissur , may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd

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