

**Pavithran vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1443227](http://sooperkanoon.com/1443227)

**Court :** Kerala

**Decided On :** Feb-02-2022

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

**Appeal No. :** Bail Appl./440/2022

**Appellant :** Pavithran

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022 / 13TH MAGHA,  
1943 BAIL APPL. NO. 440 OF 2022 CRIME NO.134 OF 2021 OF  
CHALAKUDY EXCISE RANGE PETITIONER/ACCUSED: PAVITHRAN  
AGED 45 YEARS S/O. KUTTAPPAN, THOTTOLY HOUSE,  
ATHIRAMPILLY KANNAKUZHY DESOM, ATHIRAPILLY VILLAGE,  
CHALAKUDY TALUK BY ADV N.U.HARIKRISHNA  
RESPONDENT/STATE/COMPLAINANT: STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR , HIGH COURT OF  
KERALA, ERNAKULAM-682 031 OTHER PRESENT: SMT. SEETHA .S.  
(SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 02.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

## **ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 134 of 2021 of Chalakudi Excise Range, alleging commission of offences under Sections 8(1)

(2) and 55(i) of the Abkari Act.

3. The allegation against the petitioner is that he was found in possession of 500 ml of arrack and 3 litres of Indian Made Foreign Liquor and thereby, he committed the offences under the aforesaid provisions of law.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the crime and is absolutely innocent in the matter. It is submitted that the petitioner has no criminal antecedents.

5. The learned Public Prosecutor opposes the grant of bail, stating

that the contraband recovered from the petitioner clearly shows that he was engaged in the sale of illicit arrack/Indian Made Foreign Liquor. It is submitted that the contraband was recovered from the scooter, which the petitioner was riding at the time when the seizure was effected.

6. The petitioner has been in custody from 18.12.2021 and has ..3.. completed 46 days in custody.

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

into account of the nature of allegations against the petitioner, I am of the view that the continued detention of the petitioner is not necessary for the purpose of investigation in the matter. The petitioner can be granted bail, subject to strict conditions. In the result, the bail application is allowed

and it is directed that the petitioner shall be released on bail subject to the following conditions:

(a) The petitioner shall execute 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; (b)Petitioner shall appear before the investigating officer in Crime No. 134 of 2021 of Chalakudi Excise Range, as and when called upon to do so;

(c) The petitioner shall not attempt to interfere with the

investigation or to influence or intimidate any witness in Crime No. 134 of 2021 of Chalakudi Excise Range; (d)The petitioner shall not involve in any other crime while on ..4.. If any of the aforesaid conditions is violated, the investigating officer in Crime No. 134 of 2021 of Chalakudi Excise Range, may file an application before the jurisdictional court for cancellation of Sd/- GOPINATH P. JUDGE  
bka/02.02.2022

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