

Midhun Das vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./536/2022

Appellant : Midhun Das

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
BAIL APPL. NO. 536 OF 2022 CRIME NO.5/2022 OF EXCISE RANGE
OFFICE, KAYAMKULAM PETITIONERS/ACCUSED: 1 MIDHUN DAS
AGED 20 YEARS S/O. DASAN, KALLELLILTHEKKETHIL HOUSE,
PERINGALA VILLAGE AND MURI,,MAVELIKARA TALUK, ALLAPUZHA
DISTRICT 2 MINI AGED 38 YEARS KALLELLILTHEKKETHIL HOUSE,
PERINGALA VILLAGE AND MURI, MAVELIKARA TALUK, ALAPUZHA
DISTRICT BY ADV ABRAHAM SAMSON RESPONDENT/S: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 SRI. NOUSHAD K.A. (SR.PP) THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 31.01.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
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ORDER

This is an application for regular bail.

2. Petitioners are the accused in Crime No.5/2022 of Excise range Office, Kayamkulam, alleging commission of offences under Sections 8(1) and (2), 67B and 55(g) of the Kerala Abkari Act.

3. Allegation against the petitioners is that they were

found carrying about 5 litres of arrack and later on search of their house, another 10 litres of arrack together with utensils and other equipments used for distilling arrack was found and thereby they committed the offences alleged against them.

4. Learned counsel appearing for the petitioners would

submit that the petitioners are absolutely innocent in the matter and have been roped in unnecessarily. It is submitted that the petitioners have been in custody from 11.01.2022 and their continued detention is not necessary, at any rate, for the proper investigation into the crime. It is submitted that the petitioners may be released on bail.

5. Learned Public Prosecutor, on instructions, would submit that a total of 15 litres of arrack together with utensils and other equipments used for distilling arrack was recovered BAIL APPL. NO. 536 OF 2022 3

from the petitioners. It is submitted that 1 st petitioner is the son of the second petitioner and there is clear evidence to suggest that the petitioners were engaged illicit distilling and sale of arrack. It is submitted that the petitioners are not entitled to bail.

6. Having regard to the facts and circumstances of the

case and considering the fact that the petitioners have been in custody from 11.01.2022, and also considering the fact that their continued detention is not necessary for the purpose of any investigation, I am of the opinion that the petitioners can be released on bail subject to strict conditions. Accordingly, this application for bail is allowed and it is directed that the petitioners shall be released on bail subject to the following conditions:-

(i) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioners shall appear before the investigating officer in Crime No. 5/2022 of Excise range Office, Kayamkulam on every Saturday at 11 am until filing of final report;

(iii) The petitioners shall not attempt to interfere with the BAIL APPL. NO. 536 OF 2022 investigation or to influence or intimidate the de facto complainant or any witness in Crime No.5/2022 of Excise range Office, Kayamkulam;

(iv) The petitioners shall not involve in any other crime

while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No. 5/2022 of Excise range Office, Kayamkulam may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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