

**Rahul Subhash vs State of Kerala**

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**Court :** Kerala

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

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

**Appeal No. :** Bail Appl./609/2022

**Appellant :** Rahul Subhash

**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. 609 OF 2022 Crime No.121/2021 of Kodungallur  
Excise Range office PETITIONER/ACCUSED: RAHUL SUBHASH S/O.  
SUBHASH, AGED 28 YEARS KALLAPARAKKAL HOUSE,  
LOKAMALESWARAM, KODUNGALLOOR, THRISSUR, PIN - 680664  
BY ADVS. THOMAS J.ANAKKALLUNKAL NIRMAL CHERIYAN  
VARGHESE ABISHEK JOHNY

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -  
682031 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: B.A. No.609/2022  
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## **ORDER**

The petitioner is the accused in Crime No.121/2021 of Kodungallur Excise Range office alleging commission of offences under Sections 55(a) of the Abkari Act.

2. The allegation against the petitioner is that 750 M.L of liquor was found from the petitioner's rented house. It is alleged that the liquor in question was brought from another State and was not intended for sale in Kerala.

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

accused in Crime No.31/2021 of Excise Range, Aluva for the offences under Sections 22 (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act. It is submitted that the house of the petitioner was searched after the petitioner was arrested in that case and then, the aforesaid quantity of Indian Made Foreign Liquor was found. It is submitted that the petitioner is absolutely innocent in the matter and that the offence under Section 55 (a) of the Abkari Act will not lie against the petitioner in the facts and circumstances of the case.

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

Prosecutor reiterated the fact that the petitioner's rented house was searched after he was arrested in connection with a case registered under the NDPS Act. It is submitted that the formal arrest of the petitioner was recorded in this case also (on 13-01-2022).

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

considering the nature of the allegations against the petitioner, I am of the view that the petitioner can be granted bail in Crime No.121/2021 of Kodungallur Excise Range office, Thrissur. B.A. No.609/2022 -3- 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 not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.121/2021 of Kodungallur Excise Range office;

(iii) 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.121/2021 of Kodungallur Excise Range office may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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