

**Vaisakh. vs State of Kerala**

**Vaisakh. vs State of Kerala**

**SooperKanoon Citation :** [sooperkanoon.com/1445203](https://sooperkanoon.com/1445203)

**Court :** Kerala

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

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

**Appeal No. :** Bail Appl./638/2022

**Appellant :** Vaisakh.

**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. 638 OF 2022 CRIME NO.6/2022 OF  
KAYAMKULAM EXCISE RANGE, KAYAMKULAM AGAINST THE  
ORDER/JUDGMENT IN CRMP 231/2022 OF JUDICIAL MAGISTRATE  
OF FIRST CLASS , HARIPAD PETITIONER/ACCUSED:  
VAISAKH,AGED 32 YEARS S/O. SASIDHARAN, SANNIDHANAM  
VEEDU, KANDALLUR THEKKU, KANDALLUR VILLAGE,  
KARTHIKAPPALLY TALUK. BY ADVS. M.R.SASITH(K/315/2002)  
R.K.CHIRUTHA NEELANJANA NAIR RANJITH E N RAJITHA V.K  
RESPONDENT/STATE: 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:  
B.A.No.638/2022 2

## **ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No.6/2022 of Kayamkulam Excise Range, Kayamkulam, alleging commission of offence under Section 55(i) of the Kerala Abkari Act.

3. The allegation against the petitioner is that at about 7.15 p.m., on 14.1.2022, the petitioner was found in possession of 300ML of Indian Made Foreign Liquor, which had been kept in his possession for the purposes of sale.

4. The learned counsel for the petitioner submits that the

petitioner is absolutely innocent in the matter. It is submitted that the petitioner has been in custody from 15.1.2022 and that the continued detention of the petitioner is not necessary, considering the facts and circumstances of the case. It is submitted that the petitioner has no criminal antecedents.

5. I have heard the learned Public Prosecutor also.

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

considering the nature of the allegations against the petitioner and also considering the fact that he has been in custody from 15.1.2022, I am of the opinion that the petitioner can be granted bail subject to conditions especially in the light of the fact that his continued detention may not be necessary for the purpose of any investigation.

7. In the result this bail application is allowed. It is directed that B.A.No.638/2022 3 the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen 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.6/2022 of Kayamkulam Excise Range, Kayamkulam 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.6/2022 of Kayamkulam Excise Range, Kayamkulam;

(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.6/2022 of Kayamkulam Excise Range, Kayamkulam, may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**