SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Harish vs State of Kerala

Harish vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1490865

Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4689/2022

Appellant : Harish

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944 (CRIME NO.65/2022 OF KOZHIKODE EXCISE PETITIONER/ACCUSED: HARISH, AGED 38 YEARS S/O HAREENDRAN, FISHERMAN COLONY, PUTHIYAPPA, PUTHIANGADI, KOZHICODE., PIN - 673021 BY ADVS. R.ANANTHAPADMANABAN THAYYIB SHA P.S. RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. 2 EXCISE OFFICER, KOZHIKODE EXCISE RANGE KOZHICODE, PIN - 673020. PP SRI.M.C.ASHI THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. Petitioner is the sole accused in Crime No.65/2022 of Kozhikode Excise Range Office, alleging commission of offences punishable under Section 55(a) of the Kerala Abkari Act.

3. The prosecution allegation is that on 19.04.2022 at

about 1.30 pm., Excise Preventive Officer, Kozhikode Excise Range Office found the petitioner carrying a bag contained 6 bottles of 750 ml each of IMFL which is meant to be used by the defense service personal at a place near the road in front of Puthiyappa Fishing Harbour. When the petitioner saw the excise party, he has abandoned the bag containing the Indian Made Foreign Liquor and fled away from the scene of occurrence and thereby the petitioner committed the aforesaid offence.

4. Learned counsel for the petitioner submitted that petitioner is totally innocent of the charges levelled against him and he was not intercepted or any contraband was recovered from him. Learned counsel further submitted that the petitioner has no other criminal antecedents.

5. Learned Public Prosecutor upon instructions submitted that petitioner was found in possession of huge quantity of IMFL but submitted that he has no other criminal antecedents.

6. Considering the facts and circumstances of the case

and the nature of allegations and that the petitioner has no other criminal antecedents, I am inclined to grant anticipatory bail to the petitioner. In the result, this application is allowed.

Petitioner shall appear before the investigating officer in Crime No.65 of 2022 of Kozhikode Excise Range Office, on 07.07.2022 at 11 am for interrogation. It is directed that in the event of arrest of the petitioner in Crime No.65 of 2022 of Kozhikode Excise Range Office, the petitioner shall be released on bail subject to the following conditions:-

(i) Petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the likesum to the satisfaction of the Jurisdictional Court,

(ii) Petitioner shall also appear before the investigating officer in Crime No.65/2022 of Kozhikode Excise Range Office as and when called for and shall co-operate with the investigation.

(iii) The petitioner shall not attempt to influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.65/2022 of Kozhikode Excise Range Office,

(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.65/2022 of Kozhikode Excise Range Office, may file an application before the jurisdictional Court, for cancellation of bail. sd/- R.AV VIJU ABRAHAM, JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com