

**Arjunan vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1595592](https://sooperkanoon.com/1595592)

**Court :** Kerala

**Decided On :** Jan-25-2021

**Judge :** Honourable Mr. Justice Ashok Menon

**Appeal No. :** Bail Appl./630/2021

**Appellant :** Arjunan

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON  
MONDAY, THE 25TH DAY OF JANUARY 2021 / 5TH MAGHA, 1942  
Bail Appl..No.630 OF 2021 CRIME NO.63/2020 OF Sasthamcottah  
Excise Range Office , Kollam PETITIONER/S: ARJUNAN AGED 40  
YEARS ARJUNA BHAVANAM, ITHOTTUVA MURI, WEST KALLADA  
VILLAGE, KUNNATHUR TALUK, KOLLAM BY ADV. SRI.K.SIJU  
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA 2 EXCISE RANGE  
OFFICER SASTHAMCOTTA EXCISE RANGE, KOLLAM DISTRICT R1  
BY PUBLIC PROSECUTOR OTHER PRESENT: SMT.V.SREEJA -PP  
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

25.01.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.630 OF 2021 2

## **ORDER**

Dated this the 25th day of January 2021 Application for regular bail under Section 439 of Cr.P.C. The applicant is sole accused in Crime No.63/2020 of Sasthamcotta Excise Range Office, Kollam for having allegedly committed offences punishable under Sections 8(1) and (2) and 55(g) of the Kerala Abkari Act.

2. The prosecution case, in brief, is that on 15.04.2020 at about 12.30 p.m. the Excise party while on patrol duty, got reliable information that the applicant involved in distillation of

illicit arrack. When the Excise party reached the scene of occurrence, the applicant managed to flee and could not be arrested. 5 litres of arrack was found near the shed along the fire wood and it was seized and the utensils for the purpose of distillation was also recovered from there.

3. The applicant surrendered on 11.01.2021 and was

remanded to judicial custody. He seeks bail since he has

neighbouring property and he is not responsible for storing the contraband articles there.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor admits that the applicant

has no criminal antecedents. Considering the quantity of liquor involved and the fact that the applicant has been in custody since 11.01.2021, further incarceration of the applicant may not be necessary. In the result, the application is allowed and the applicant is directed to be released on bail on execution of bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

- (i) He shall appear before the investigating officer as and when called for.
- (ii) He shall not tamper with evidence, intimidate or influence the witnesses .
- (iii) He shall not get involved in similar cases during the currency of the bail. Bail Appl..No.630 OF 2021 4

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court. SD/- ASHOK MENON  
JUDGE rmm

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