

Vineesh a vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-26-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1702/2021

Appellant : Vineesh a

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA,
1942 CRIME NO.62/2020 OF KUTHUPARAMBA EXCISE RANGE
OFFICE, KANNUR PETITIONER: VINEESH A AGED 40 YEARS
ANIYERINTAVIDA HOUSE, PUTHOOR AMSOM, CHENDAYAD
DESOM, CHENDAYAD P.O., KANNUR-670692 BY ADVS.
SRI.SHANAVAS NALAKATH RANDUPURAYIL SRI.T.SUNIL KUMAR
RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA R1 BY PUBLIC
PROSECUTOR OTHER PRESENT: SMT.V.SREEJA PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 26.02.2021,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 26th day of February 2021 This Bail Application filed under Section 438 of the Criminal Procedure Code was heard through Video Conference.

2. The applicant is the 1st accused in Crime No. 62 of 2020 of Kuthuparamba Excise Range, Kannur District for having allegedly committed offence punishable under Section 55 (g) of the Kerala Abkari Act.

3. The prosecution case, in brief, is that on

24.04.2020 at about 12.50 p.m., the 4 persons were handling 150 litres of wash with intent to distill illicit arrack. On seeing the Excise Inspector and his party, persons engaged in distilling the arrack fled away and they could not be apprehended. The applicant anticipates arrest and has therefore, approached this Court for anticipatory bail.

4. The applicant states that he is innocent and the allegations are not true. He has no criminal antecedents and therefore, seeks pre arrest bail.

5. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor.

6. In view of the embargo under Section 41A of the

Kerala Abkari Act and the decision of the Honorable Supreme Court in *Muraleedharan v. State of Kerala* [2001 KHC 411], and the anticipatory bail cannot be granted to the applicant. Considering the gravity of the

offence and therefore, the applicant is directed to surrender before the Investigating Officer within two weeks. In the event of his arrest, he shall be interrogated and after recovery, if any, he shall be produced before the jurisdictional court, where he is at liberty to apply for a regular bail which shall be considered and preferably disposed of on the same day.

With these observations, the Bail Application is disposed of. (Sd/-) ASHOK
MENON JUDGE LU

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