

Prasad vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5363/2021

Appellant : Prasad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943 BAIL APPL. NO. 5363 OF 2021 CRIME NO. 53/2021 OF CHATHANNOR EXCISE RANGE, KOLLAM PETITIONER/ACCUSED 2: PRASAD AGED 53 YEARS S/O.ANANDAN, THENGUVILA VEEDU, NAVAYIKULAM, THIRUVANANTHAPURAM, PIN - 695 603. BY ADV M.R.SASITH RESPONDENT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

BY SRI. SANTHOSH PETER, SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2021, THE

COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Bail Appl.No.5363 OF 2021 2

ORDER

The second accused in Crime No. 53/2021 of Chathannoor Excise Range is before Court under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail.

2. The said crime was registered on 23.05.2021, after

seizing 500 litres of wash and other utensils for making arrack from the property of the petitioner. Seeing the Excise party, the petitioner and the other accused had run away from the place, so that they could not be arrested.

3. I heard the learned counsel on both sides.

4. The learned Public Prosecutor with the aid of

Annexure A2 order submits that the first accused has already been granted anticipatory bail by this Court, that the petitioner does not have criminal antecedents.

5. The learned Public Prosecutor also submits that he has no criminal antecedents.

6. The Excise party had searched and seized 500 litres

of wash and other paraphernalia from the residence of the petitioner and another; the contraband have already been seized under a mahazar and in the nature of the allegations, his Bail Appl.No.5363 OF 2021 3 custodial interrogation is not necessary and he does not have criminal antecedents to his credit. Moreover, offence under Section 55(g) of the Abkari Act does not postulate any statutory minimum substantive sentence and hence, the embargo under Section 41A of the Abkari Act is not attracted.

7. Therefore, the petitioner is at liberty to surrender

before the Investigating Officer within ten days from today and will make himself available for interrogation; in the event of arrest, he shall be released on bail on executing bond for Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer; he shall co-operate with the investigation; shall not try to contact or influence the witnesses or tamper with the evidence and shall not involve in any crime during the period on bail. The bail application is allowed.

Sd/- K.HARIPAL JUDGE DCS/30.06.2021

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