

Sabash, vs State of Kerala,

Sabash, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1678706

Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./7421/2021

Appellant : Sabash,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA,
1943 BAIL APPL. NO. 7421 OF 2021 CRIME NO.68/2021 OF
Wadakkancherry Excise Range Office, Thrissur AGAINST THE ORDER
IN CRMC 1403/2021 OF DISTRICT COURT & SESSIONS COURT,
THRISSUR PETITIONER/ACCUSED: SABASH, AGED 28 YEARS S/O.
RAMESH , THALAPPULLY VEEDU, THEKKEMURI, KADANGODE,
THRISSUR. BY ADV V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031. SR. PP SRI. MANU P G THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2021,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 30th day of September, 2021 The petitioner, who is the sole accused in Crime No. 68 of 2021 of Wadakkancherry Excise Range registered for the offence punishable under Section 58 of the Kerala Abkari Act, has filed this application seeking bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner has been in custody since 01.09.2021.

3. The prosecution allegation is that on 01.09.2021 at

about 11 a.m., the petitioner was found in possession of 32.5 litres of illicit liquor kept for the purpose of sale near a water tank at Kadangodu Grama Panchayat, in contravention of the provisions of the Kerala Abkari Act and thereby committed the aforesaid offences.

4. The learned Public Prosecutor on instruction submits that the petitioner has no criminal antecedents.

5. Considering the quantity of the contraband involved, the period of detention undergone by the petitioner in judicial

custody, the present stage of investigation as well the other facts

and circumstances involved in this case, I think that he can be released on bail. Therefore, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a

bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

facts to the court or to any police officer or tamper with the

evidence.

(iv) The petitioner shall not commit any offence while on bail. In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE sb

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