

Krishnan K. vs State of Kerala

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Court : Kerala Orders

Decided On : May-29-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3097/2020

Appellant : Krishnan K.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942 Bail
Appl..No.3097 OF 2020 CRIME NO.92/2020 OF Hosdurg Excise Range
Office , Kasargod PETITIONER/S: KRISHNAN K. AGED 39 YEARS
S/O.PARADESI (LATE), KOLATHINKAL HOUSE, KOLATHINKAL
DESOM,BELUR VILLAGE, VELLARIKKUND TALUK,KASARAGOD
DISTRICT. BY ADV. SRI.MUHAMMED YASIL RESPONDENT/S: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,PIN-682031. E MAIL ID AGO
KERALA.BAIL 2@GMAIL.COM 2 THE STATION HOUSE OFFICER,
(CRIME NO.92/2020 OF HOSDURG EXCISE RANGE),KASARAGOD

DISTRICT-671531 EMAIL ID EROHSD.EXC@ KERALA.GOV.IN
OTHER PRESENT: SRI AMJAD ALI PP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.3097 OF
2020 2

ORDER

Dated this the 29th day of May 2020 The petitioner is the accused in
Crime No.92/2020 of Hosdurg Excise Range, Kasaragod for having
allegedly committed offence punishable under Section 55(g) of the
Abkari Act. The prosecution case is that the petitioner was in possession
of 300 liters of wash for the purpose of distilling of illicit arrack. The
petitioner seeks anticipatory bail stating that he is totally innocent and a
false case has been foisted against him.

5. In view of the specific embargo under Section 41A

of the Abkari Act and in view of the decision of the Supreme Court in
Muraleedharan v. State of Kerala [2001 KHC 411], application for anticipatory bail
under the Abkari Act cannot be entertained and therefore the application is only to
be dismissed. However, the petitioner is directed to surrender before the
investigating officer within two weeks and after his interrogation in case he is
arrested, he shall be Bail Appl..No.3097 OF 2020 3 produced before the
jurisdictional court. He is at liberty to apply for a regular bail before the
jurisdictional court, which shall be considered and preferably disposed of on the
very same date. With these observations, the B.A is disposed of. Sd/- ASHOK
MENON JUDGE rmm

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