

Ramanan vs State of Kerala

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Court : Kerala

Decided On : May-29-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3100/2020

Appellant : Ramanan

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 CRIME
NO.39/2020 OF Kayamkulam Excise Range Office , Alappuzha
PETITIONER/S: 1 RAMANAN AGED 50 YEARS S/O.PURUSHAN, ABHI
HOUSE, PUTHUPPALLY SOUTH, 2 ULLAS P.V., AGED 41 YEARS
S/O.VIDYADHARAN, ULLAS HOUSE, GOVINDHAMUTTAM MURI, BY
ADV. SRI.GOKUL D SUDHAKARAN RESPONDENT/S: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, KOCHI-682031. 2 THE EXCISE
INSPECTOR, KAYAMKULAM EXCISE RANGE, KAYAMKULAM,
ALAPPUZHA- 690502. OTHER PRESENT: SRI. T.R.RENJITH PP THIS

BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 29th day of May 2020 This is an application for anticipatory bail filed under Section 438 Cr.PC.

2. Petitioners are accused 1 and 2 in Crime No.39/2020

of Kayamkulam Excise Range, Alappuzha for having allegedly committed offence punishable under Section 57(a) of the Abkari Act. The prosecution case is that while the excise party were on patrol duty on 27.12.2019 they collected toddy samples from the toddy shop allegedly run by the petitioners as the Manager and the licensee. It was found that toddy sample was adulterated. Hence, a report was filed implicating them as accused.

3. The petitioners would contend that they are innocent and that they cannot be held responsible for what has happened and therefore, they are entitled to anticipatory bail.

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

5. The learned counsel appearing for the petitioners strenuously submits that the petitioners had taken steps to send the second sample for chemical analysis and that it is possible that it may not be found adulterated. It is also submitted that they have been falsely implicated.

6. 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 petitioners are directed to surrender before the investigating officer within two weeks and after their interrogation in case they are

arrested, they shall be produced before the jurisdictional court. They are 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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