

Premraj 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./3108/2020

Appellant : Premraj

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.3108 OF 2020 CRIME NO.548/2020 OF KAREELAKULANGARA POLICE STATION, ALAPPUZHA PETITIONERS/ACCUSED 1 TO 3: 1 PREMRAJ, AGED 32 YEARS, S/O. RAJAN, ASHTAMI HOUSE, KADUVINAL P O, ALAPPUZHA DISTRICT. 2 FEBIN, AGED 24 YEARS, S/O. ANIL, KANNEKONILL, FEBIN VILLA, KADUVINAL P O, ALAPPUZHA DISTRICT. 3 ABHI MOHAN, AGED 27 YEARS, S/O. MOHAN, ANU BHAVANAM, PUTHENCHANTHA P O, ALAPPUZHA DISTRICT, BY ADV. SRI.D.SAJEEV (KAMBISSARI) RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2

STATION HOUSE OFFICER, KAREELAKULANGARA POLICE STATION, ALAPPUZHA DISTRICT, PIN-690572. OTHER PRESENT: SRI T.R.RENJITH - PUBLIC PROSECUTOR 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

The petitioners are accused 1 to 3 in Crime No.548/2020 of Kareelakulangara Police Station, Alappuzha, for having allegedly committed offences punishable under Sections 8(1) & (2) of the Kerala Abkari Act, 1077. The prosecution case in brief is that on 14.05.2020 at a place on the northern side near Ramapuram L.P. School public road, the petitioners were found in possession of 500 ml of arrack in a plastic bottle inside a car bearing No.KL-31-1177. The 1 st accused was serving liquor to accused 3 and 4 and they were arrested on the very same day.

2. Heard the learned counsel appearing for the

petitioners and perused the records. The quantity involved is only 500 ml and there is no allegation in the report that the petitioners have any antecedents. Under the circumstances, I find that further incarceration of the petitioners is not necessary.

3. In the result, the petition is allowed and the petitioners are released on bail on the following conditions:

(i) They shall execute self bond for Rs.50,000/- (Rupees Fifty thousand only) each before the Superintendent of the jail, where they are in detention, with an undertaking

that they shall appear before the jurisdictional court soon after the lockdown is withdrawn and execute a bond for the aforesaid amount each with two solvent

sureties, each for the like amount to the satisfaction of the jurisdictional court.

(ii) During the bail period, they shall not get involved in any similar offences.

Breach of the bail conditions would entail in cancellation of the bail, on an application being filed by the prosecution before the jurisdictional court. Sd/-
ASHOK MENON JUDGE NR/29/05/20 APPENDIX PETITIONERS' EXHIBITS:
ANNEXURE A1 CERTIFIED COPY OF THE ORDER IN CMP NO.1687/2020
DATED 14/05/2020 PASSED BY THE JFMC-II, HARIPAD ANNEXURE A2 TRUE
COPY OF THE REMAND APPLICATION DATED THE 14/05/2020
RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE

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