

Haridas vs State of Kerala

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Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./6462/2020

Appellant : Haridas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942
Bail Appl..No.6462 OF 2020 CRIME NO.21/2020 OF Kunnampulam
Excise Range Office , Thrissur PETITIONER/S: 1 HARIDAS AGED 50
YEARS S/O. KOCHU, KANNATHUPARAMPIL, KALLAYIKUNNU
DESOM, AGATHIYUR VILLAGE, KUNNAMKULAM TALUK 2 NIKHIL
AGED 35 YEARS S/O. CHANDRAN, KADAVIL HOUSE,
KALLAYIKUNNU DESOM, AGATHIYUR VILLAGE, KUNNAMKULAM
TALUK, THRISSUR. BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA R1 BY PUBLIC PROSECUTOR

OTHER PRESENT: SRI.AJITH MURALI .PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.10.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.6462 OF 2020 2

ORDER

Dated this the 30th day of October 2020 Application for regular bail under Section 439 of Cr.P.C. Applicants are accused 1 and 2 in Crime No.21/2020 of Kunnamkulam Excise Range Office, Thrissur for having allegedly committed offences punishable under Sections 8(1) &(2) and 55(g) of the Kerala Abkari Act.

2. The prosecution case, in brief, is that on 03.06.2020

while the Excise Inspector, Kunnamkulam Excise Range and his party were on patrol duty, they got reliable information regarding distillation of arrack by the 1 st accused in the backyard of his house. Accordingly, the Excise Inspector rushed to the spot and on reaching the house of the 1 st applicant at about 1.p.m., the house was found locked. They went to the backyard of the house and saw the applicants fleeing away from there. They could not be apprehended but they were successful in seizing 2 litres of arrack and 800 litres of wash and utensils for distillation. Bail Appl..No.6462 OF 2020 3

3. The applicants had approached this Court for

anticipatory bail, but the same was dismissed by this Court directing them to surrender before the investigating officer. Accordingly, the applicants were surrendered on 25.09.2020 and remanded to judicial custody. They state that they do not have any antecedents and that they may be released on bail since further incarceration may not be necessary.

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

5. The applicants admittedly do not have any criminal antecedents but the quantity involved is 800 litres of wash. They have in custody for more than a month. Under the circumstances, I find that further incarceration of the applicant may not be necessary.

In the result, the Bail Application is allowed and the applicant is directed to be released on bail on execution of bond for Rs.1,00,000/-(Rupees one lakh only) each with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) They shall appear before the investigating officer on all Mondays between 9 a.m. and 12 noon for a period of two Bail Appl..No.6462 OF 2020 4 months or till the filing of final report, whichever is earlier.

(ii) They shall not get involved in similar cases during the pendency of the bail,

(v) They shall not tamper with evidence, intimidate or influence the witnesses. In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional Magistrate. SD/- ASHOK MENON
JUDGE rmm

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