

Devasia M.P vs State of Kerala

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Court : Kerala Orders

Decided On : Nov-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./8074/2020

Appellant : Devasia M.P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA,
1942 Bail Appl..No.8074 OF 2020 CRIME NO.62/2020 OF Erattupetta
Excise Range Office , Kottayam PETITIONER/S: DEVASIA M.P AGED
64 YEARS MUTHEDATHU HOUSE, KURINJIPLAVU P.O
MOONNILAVU VILLAGE, ERATTUPETTA, KOTTAYAM 686586 BY
ADVS. SRI.JUSTINE JACOB SRI.K.S.ARUN KUMAR SMT.AMRUTHA K
P SMT.AMRUTHA P S RESPONDENT/S: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA 682031 R1 BY PUBLIC PROSECUTOR OTHER PRESENT:
SRI.AJITH MURALI -PP THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 30.11.2020, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: Bail Appl..No.8074 OF 2020 2

ORDER

Dated this the 30th day of November 2020 Application for regular bail under Section 439 of Cr.P.C. The applicant is the sole accused in Crime No.62/2020 of Erattupetta Excise Range Office, Kottayam for having allegedly committed offence punishable under Sections 8(1), 8(2) and 55 (g) of the Kerala Abkari Act.

2. The prosecution case, in brief, is that on 01.11.2020 at

about 1.15 p.m., the Excise party conducted a search of the house belonging to the applicant at Moonilavu Village and recovered 1.3 litres of arrack and 115 litres of wash attached to the kitchen of the said house.

3. The applicant was arrested on 01.11.2020 and remains in judicial custody. The applicant states that he is innocent and the allegations are not true and therefore he seeks bail.

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

5. The learned Public Prosecutor submits that the applicant is a person having criminal antecedents. The quantity of wash involved in this case is 115 litres, which indicates the large scale

Bail Appl..No.8074 OF 2020 3 distillation of arrack by the applicant. Under the circumstances, I find that it is too early for the applicant to be released on bail. The application for bail is dismissed. SD/- ASHOK MENON JUDGE rmm

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