

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

CrI.MC. No.6592 of 2013 ()

(CRIME NO.85/2013 OF KAYAMKULAM EXCISE RANGE OFFICE , ALAPPUZHA)

PETITIONER(S)/ACCUSED:

**BALAKRISHNAN, AGED 74 YEARS,
KUTTISSERY KANDATHIL, PUTHIYAVILA, KANDALLOOR,
KARTHIKAPPALLY, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.R.SUNIL KUMAR,
SMT.A.SALINI LAL.**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
REP; BY EXCISE INSPECTOR, KAYAMKULAM.**

BY PUBLIC PROSECUTOR SHRI P. S. SAJEEV.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

A.V.RAMAKRISHNA PILLAI, J.

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Crl.M.C No.6592 of 2013

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Dated this the 27th day of December, 2013

ORDER

Heard the petitioner and the learned Public Prosecutor.

2. Petitioner is the first accused in Crime No.85 of 2013 of Excise Range Office, Kayamkulam for offence punishable under Section 55(i) of the Kerala Abkari Act. The allegation was that the Excise Inspector along with his party proceeded to the petitioner's house and found the petitioner pouring liquor from a bottle held in his right hand to a glass in his left hand. He was in the process of giving it to another man who was standing nearby.

3. Petitioner alleges that he is innocent and he is 65 years old. He is an ex-service man. Petitioner submits that he is willing to surrender before the court below. However, the petitioner apprehends that if he surrenders, his bail application would not be considered on the same day and would be remanded to judicial custody.

4. Considering the entire facts and circumstances of the case, the Crl.M.C is disposed of directing the petitioner to surrender before the JFMC-I, Hosdurg and move a regular

application for bail on or before 15.1.2014. In the event of his surrender and moving any such application, the same shall be heard and disposed of by the learned Magistrate on the date of surrender itself favourably.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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/True Copy/

P.A to Judge