

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 419 of 2015

CRIME NO. 57/2014 OF DEVIKULAM EXCISE RANGE OFFICE , IDUKKI

PETITIONER/5TH ACCUSED:

RAMESH KUMAR, AGED 33 YEARS
S/O.RAJU, KANNIMALA ESTATE, KDH VILLAGE
DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE:

-
1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. EXCISE INSPECTOR OF POLICE,
DEVIKULAM, IDUKKI DISTRICT.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.419 of 2015

Dated this the 2nd day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.57/2014 of Devikulam Excise Range, Idukki district registered for the offences punishable under Section 55(a)(h)(i) of 67B and Section 10 of the Kerala Abkari Act.

3. This is a case in which 100 litres of coloured arrack, which was being transported by autorikshaw bearing registration number KL 6-E 1753 and motor bike bearing registration number TN 76-W 1055, was seized at 11 a.m., on 5.12.2014 from the top station road at Munnar. It is alleged that accused nos.1 to 3 were arrested from the spot and the 4th accused and the petitioner herein ran away from the spot.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. This application, seeking anticipatory bail in an Abkari case, cannot be entertained. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that the petitioner is not entitled to the discretionary relief of anticipatory bail.

5. In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge