

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 424 of 2015 ()

CRL.MC 49/2015 of SESSIONS COURT,KOZHIKODE
CRIME NO. 765/2014 OF PAYYOLI POLICE STATION , KOZHIKODE

PETITIONER/2ND ACCUSED:

FASIL, AGED 24 YEARS
S/O.ABDUL KHADER, ACHANKANDY PARAMBU, PUTHIYAPALAM
PUTHIYARA, KOZHIKODE DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

R BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.424 of 2015

Dated this the 30th day of January 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.765/2014 of Payyoli Police Station, Kozhikode district registered for the offences punishable under Section 55(a) of the Abkari Act, Rule 9 of Foreign Liquor Rules and Sections 468 and 471 read with Section 34 of the Indian Penal Code.

3. This is a case in which 578 bottles, containing a total quantity of 172.120 litres of Indian Made Foreign Liquor, was seized from a car on which a false registration number, as KL 11 R 7313, was seen affixed, at 7 p.m. on 15.12.2014 at Payyoli junction. On seeing the policy party, the person who was there in

the car, ran away. The mobile phone left in the car lead to the arrest of the first accused, which ultimately lead to the arrest of the first accused lead to the arrest of the petitioner. On information regarding the complicity of the petitioner, his house was searched and in the search, it was revealed that originally the car was bearing registration number as MH-02 MA 4459 and the original R.C. book and other records of the vehicle, were seized from the house of the petitioner. The third accused, who also is involved in the offence, is not yet arrested and he is at large. The petitioner has been in custody for the period from 31.12.2014 onwards.

4. Heard the learned counsel for the petitioner and the 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. The investigation of this case is not over. This is a case in which a huge quantity of Indian Made Foreign Liquor

meant for sales in Pondichery only, is involved. Considering the seriousness of the allegations and the present stage of investigation, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge