

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 776 of 2015 ()

CRIME NO. 142/2014 OF KAYAMKULAM EXCISE RANGE OFFICE, ALAPPUZHA

PETITIONER/ACCUSED :

**USHA,
D/O. MADHAVAN, AGED 50 YEARS
PONA MEENATHERIL, PUTHUPPALLY VADAKKU
PUTHUPPALLY VILLAGE, KARTHIKAPPALLY.**

BY ADV. SMT.ANITHA M.N.

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A. No.776 of 2015

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Dated this the 13th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.142 of 2014 of the Kayamkulam Excise Range, registered for the offences punishable under Sections 58 and 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 06.11.2014 at 8.15 a.m., she was found engaged in selling arrack. On seeing the Excise party, she ran away from the spot after leaving the contraband. A quantity of 650 ml of arrack was seized from the spot, which was allegedly in the possession of the petitioner.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. It has been reported that the petitioner is involved in two other Abkari cases of similar nature. Considering the facts and circumstances of the case,

and the criminal antecedents of similar nature on the part of the petitioner, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/13/3/15

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PA to Judge