

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 941 of 2015

CRIME NO. 14/2015 OF KASARAGOD EXCISE RANGE OFFICE , KASARGOD

PETITIONER(S)/ACCUSED:

**RAMACHANDRA MANIYANI, AGED 50 YEARS
S/O.LATE NARAYANA MANIYANI, GOKULA NILAYA,
KUDLU VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

**1. THE STATION HOUSE OFFICER,
KASARAGOD EXCISE RANGE- 671 121.**

**2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.941 2015
.....

Dated this the 24th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.14/2015 of Kasaragod Excise Range registered for the offence punishable under Section 58 of the Abkari Act.

3. The allegation against the petitioner is that on 07.02.2015 at 8 a.m. he was found in possession of 26 bottles, each containing 180 ml., of IMFL meant for sales in the State of Goa only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 07.02.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that the petitioner is involved in two other abkari cases

registered as Crime Nos.57/2007 and 137/2014 of the very same excise range and in Crime No.57/2007, he has been convicted and sentenced to undergo imprisonment for two years and to pay an amount of ₹1 lakh as fine amount. In the light his involvement in similar offences and especially, in the light of the conviction and sentence involved in other cases, 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)**

aks/24/02

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*PA to Judge*