

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1457 of 2015 ()

CRIME NO. 2/2015 OF BADIADKA EXCISE RANGE, KASARGOD DISTRICT

PETITIONERS/ACCUSED:

1. SURESH, S/O.JAYANTHA RAO,AGED 45 YEARS,
HOUSE NO. VII/81, CHAMAKOCHI,
ADOOR VILLAGE, KASARAGOD.
2. CHANIYAN, S/O.DEVAPPA NAIK, AGED 42 YEARS,
CHAMAKOCHI, ADOOR VILLAGE,
KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

1. THE EXCISE INSPECTOR,
BADIADKA EXCISE RANGE, KASARAGOD - 673 123.
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 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.No.1457 of 2015 B

Dated this the 23rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.2/2015 of Badaiadka Excise Range, Kasaragod registered for the offences punishable under Sections 55(g) and 8(1) & (2) of the Abkari Act.

3. The allegation against the petitioners is that on 4.1.2015 at 9 a.m., on information that brewing of arrack was going on at the spot, the excise party rushed to the spot, and the accused persons were found engaged in the process of manufacturing arrack. On seeing the excise party, the petitioners ran away from the spot, from where the excise party could seize 1500 litres of wash and 20 litres of arrack.

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

5. This is an application seeking anticipatory bail in an Abkari case, which cannot normally be entertained. The allegations against the petitioners are very grave and serious. Even the mahazar reveals the identity of the petitioners as the accused, who ran away from the spot. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge