

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

BAIL APPL..NO. 2333 OF 2015 ()

CRIME NO.5/2015 OF EXCISE RANGE OFFICE, PATHANAMTITTA

PETITIONER(S)/ACCUSED NO.4:

P M SANTHOSH, AGED 42 YEARS
D/O.MADHAVAN, POOVAKKULAM HOUSE, KUNNAMKARI
VELIYANAD VILLAGE, KUTTANAD TALUK, ALAPPUZHA DISTRICT
PIN-686102.

BY ADV. SRI.C.S.MANU

RESPONDENT(S)/COMPLAINANT &
THE INVESTIGATING OFFICER:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. EXCISE INSPECTOR,
EXCISE RANGE OFFICE, PATHANAMTHITTA DISTRICT
PIN-695101.
(NOTICE TO WHOM MAY BE SERVED ON THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM)

BY PUBLIC PROSECUTOR SMT.REMA R.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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K. ABRAHAM MATHEW, J.

Bail Appl. No.2333 of 2015

Dated this the 27th day of May 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

2. Petitioner is the 4th accused in C.R. No.5 of 2015 of the Excise Range office, Pathanamthitta. He is the licensee of a toddy shop. The allegation is that the toddy which was being brought to his toddy shop for sale was found mixed with spirit. That apart, 2 litres of spirit also was found in the vehicle. He has committed the offences under Secs.55(a), 57(a) and 67B of the Kerala Abkari Act.

3. Heard both sides.

4. Learned counsel for the petitioner submits that the toddy and spirit were not seized from the petitioner's shop and that he has been in custody since 21.04.2015. The petitioner prays that he may be released on bail.

5. The quantity of toddy mixed with spirit was 600 litres. The quantity of spirit was 2 litres. It was being

brought in the vehicle on a permit. The permit revealed that the toddy was brought to the petitioner's toddy shop. So there is no doubt that it was being brought to be sold at the shop of the petitioner. Merely because it was not seized from his toddy shop, he cannot be absolved of the liability. The offence is very serious. It is only because of the providence, the incident did not end in a tragedy. It is not proper to release the petitioner on bail.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge