

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 2672 of 2015 ()

CRIME NO. 52/2015 OF KAYAMKULAM EXCISE RANGE, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

**SREELAL, AGED 27 YEARS
S/O.MOHANLAL, KOLLASSERIL VEEDU
GOVINDAMUTTOM MURI
PUTHUPPALLY VILLAGE.**

BY ADV. SRI.M.Y.VARGHESEKUTTY

RESPONDENTS/COMPLAINANTS :

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

BY PUBLIC PROSECUTOR SMT. MADHUBEN M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

SUNIL THOMAS, J.

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B.A.No.2672 of 2015

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Dated this the 14th day of July, 2015

ORDER

The second accused in Crime No.52 of 2015 of the Kayamkulam Excise Range who stands indicted for offence punishable under Section 55(a) of the Abkari Act is the petitioner herein.

2. The prosecution alleged that on 14.04.2015 at 9.20a.m, on getting secret information about the storing of illicit spirit, the excise party conducted a search in the house of the first accused and 320 liters of spirit were recovered. The second accused was arrested from the spot. Apprehending arrest, the second accused, who is the son of the first accused, seeks bail.

3. Heard and examined the records.

4. It is seen that 9 Cans containing 32 liters of spirit each was recovered from inside the house. It appears that the house belongs to the mother. Immediately following the search and seizure, contemporaneous documents were prepared. Evidently, substantial part of investigation is over. However, the second accused appears to be the person, who allegedly escaped from the scene at the time of search. Reference to the materials on record

indicates that the second accused has complicity in the matter. The source of the spirit, the manner in which it was brought, the persons to whom it was expected to be transported are matters which are to be unearthed which requires further investigation. Considering the seriousness of the allegation and the nature of the investigation to be conducted, I feel that this is not a fit case in which pre-arrest bail can be granted to the petitioner.

The application is hence dismissed.

Sd/-
SUNIL THOMAS
Judge

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