

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Bail Appl..No. 4928 of 2015

CRIME NO. 74/2015 OF BALUSSERY EXCISE RANGE OFFICE, KOZHIKODE

PETITIONER(S)/ACCUSED NO.1:

**MOHANAN, AGED 46 YEARS,
S/O.GANGADHARAN, 15, THOTTATHIL HOUSE,
KEDAVOOR VILLAGE, PUNOOR DESOM,
THAMARASSERY TALUK.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
THOROUGH THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
BALUSSERY.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.4928 of 2015

Dated this the 18th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.74 of 2015 of Balussery Excise range, Kozhikode district. He is said to have committed the offence under Section 55(g) of the Abkari Act.

3. The excise officers seized from his building 75 litres of wash used to manufacture arrack.

4. Heard.

5. The learned counsel submits that the building was unoccupied and some strangers kept the wash in the building without his knowledge. This cannot be accepted. Prima facie, he is answerable for the possession of the article. The learned counsel further submits that as the petitioner has been in custody since 29.07.2015 he may be granted bail. The quantity of wash seized is 75 litres. Onam is fast approaching. I am of the view that if he is released on bail now there is every likelihood of his

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repeating the offence.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge