

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Bail Appl..No. 5474 of 2015 ()

CRIME NO. 117/2015 OF KAYAMKULAM EXCISE RANGE, ALAPPUZHA DISTRICT

PETITIONER/2ND ACCUSED:

**RATHEESH, AGED 25 YEARS, S/O. RAVI,
VAYALIL PUTHENVEEDU, THEKKE MANKUZHIYIL,
BHARANIKKAVU VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

B.A.No.5474 of 2015

Dated this the 25th day of September, 2015

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the second accused in Crime No.117 of 2015 of Kayamkulam Excise Range registered under Sections 55(a) and 67B of the Abkari Act on the allegation that on 24.08.2015 at about 06.50 a.m., the first and the second accused in the crime were found transporting 10 litres of illicit spirit in a plastic can along Randamkutty-Krishnapuram road. They were arrested and questioned. When questioned, the involvement of the other accused in the commission of the offence was revealed. Subsequently, the house of the 4th accused was searched. From the house of the 4th accused, 360 litres of illicit spirit was seized. The petitioner was arrested on 24.08.2015 and ever since he has been in custody.

3. Heard.

4. The learned Public Prosecutor has opposed the

bail application. It appears that there are materials to *prima facie* connect the petitioner with the commission of the offence. Since the learned Public Prosecutor opposed the bail application, there is embargo under Section 41(A) of the Abkari Act in granting bail, particularly when there are materials to *prima facie* connect the petitioner with the commission of the offence. In the said circumstances, I am not inclined to grant bail to the petitioner at this stage.

In the result, this bail application stands dismissed.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge