

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5478 of 2015 ()

CRIME NO. 123/2015 OF MAVELIKKARA EXCISE RANGE, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

**BIJU
AGED 35 YEARS, S/O. SUKUMARAN,
KAVUMPATTU THEKKETHIL, MUTHUKATTUKARA
PALAMEL VILLAGE, MAVELIKKARA TALUK.**

**BY ADVS.SRI.R.PADMAKUMAR
SRI.P.ARAVIND**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
PIN – 682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.5478 of 2015

Dated this the 15th day of September, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.123 of 2015 of Mavelikkara Excise Range registered for the offences punishable under Sections 55(a) and 67(B) of the Kerala Abkari Act.

3. Prosecution case is that on 29.07.2015 at about 11.30 a.m., the Mavelikkara Excise Intelligence Inspector recovered 32 liters of spirit from a car in which the petitioner was working as the driver. He was arrested from the place of detection. Other accused persons fled away from the spot.

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

5. Learned counsel for the petitioner submitted that the petitioner is no way connected with the offence. Further, the article recovered from the vehicle is said to

be toddy.

6. Learned Public Prosecutor opposed the bail application contending that the commodity recovered from the vehicle driven by the petitioner was nothing but spirit. That apart, he is involved in other crimes of similar nature. Therefore, I do not find any reason to grant bail to the petitioner at this stage of investigation.

The bail application is dismissed.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge