

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Bail Appl..No. 5600 of 2015 ()

CRIME NO. 145/2015 OF MAVELIKARA EXCISE RANGE, ALAPPUZHA

PETITIONER :

**VINEESH
S/O.VIKRAMAN, AMBOOTI THARAYIL VEEDU, THEKUMMURI
PATHIYOOR VILLAGE, KARTHIKAPALLY TALUK
NOW RESIDING AT ASANPARAMBIL VEEDU, RAMAPURAM MURI
KEERIKADU VILLAGE, KARTHIKAPALLY TALUK
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.M.ZIYAD
SRI.TA.PRAKASH**

RESPONDENT/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(CRIME NO.145 OF 2015 OF MAVELIKARA EXCISE RANGE
ALAPPUZHA DISTRICT)**

**2. EXCISE INSPECTOR
MAVELIKARA EXCISE RANGE OFFICE,
ALAPPUZHA DISTRICT
(CRIME NO. 145 OF 2015)
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

B.A.No.5600 of 2015

Dated this the 18th day of September, 2015

O R D E R

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

2. Petitioner is the accused in Crime No.145 of 2015 of Mavelikara Excise Range registered for the offences punishable under Section 55(a) and (i) of the Kerala Abkari Act on the allegation that on 17.08.2015 at about 10.40 p.m., the petitioner was found in possession of 660 liters of illicit spirit for the purpose of sale in contravention of the provisions of the Abkari Act. The petitioner was arrested from the spot and ever since he has been in custody.

4. Heard.

5. 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.

In the result, this bail application stands dismissed.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge