

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. 5836 of 2015 ()

CRIME NO. 93/2015 OF IRINJALAKUDA EXCISE RANGE OFFICE, TRISSUR DISTRICT

PETITIONER/ACCUSED :

**RAMESAN
AGED 35 YEARS, S/O. KOCHUMON,
PONNEBALAN HOUSE, THRIKKUR -ATHANI
THRSSUR DISTRICT.**

**BY SENIOR ADVOCATE DR.K.P.SATHEESAN
BY ADVS.SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.K.SUDHINKUMAR**

RESPONDENTS/STATE & COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

**2. THE EXCISE INSPECTOR
EXCISE RANGE OFFICE, IRINJALAKUDA,
THRISSUR - 680 121.**

R1 & R2 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:**

Mn

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.5836 of 2015

Dated this the 25th day of September 2015

O R D E R

This is a petition filed under Sec.439 Cr.P.C.

2. The petitioner is the accused in Crime No.93 of 2015 of Irinjalakuda Excise Range registered under Sec.55(g) and 8(1) read with Sec.8(2) of the Kerala Abkari Act on the allegation that on 27.08.2015 at 4.30 p.m., the petitioner was found in possession of 20 litres of arrack and 400 litres of wash in contravention of the provisions of the Akari Act. The petitioner was arrested on 27.08.2015 from the spot and ever since he has been in custody.

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

4. The learned Public Prosecutor has opposed the bail application.

5. Perused the case diary. It appears that there are materials to prima facie connect the petitioner with the commission of the offence. The investigation is not yet

complete. Since the learned Public Prosecutor has opposed the application, there is embargo under Sec.41A of the Kerala Abkari Act in granting bail to the petitioner particularly when there are materials prima facie to connect the petitioner with the commission of the offence.

In the result, the bail application stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

/ True Copy /

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P.A. To Judge