

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6131 of 2015 ()

CRIME NO. 3079/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

**RATHEESH, AGED 24 YEARS
S/O.KRISHNAN KUTTY, POOVANNAL LAKSHAM VEEDU
PUTHUPALLY P.O., KAYAMKULAM.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENTS/COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6131 of 2015

Dated this the 12th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.3079 of 2015 of Kayamkulam Police station registered for the offence punishable under Sec.55(i) of the Kerala Abkari Act. Prosecution allegation is that on 07.09.2015 at about 8.45 p.m., while the Sub Inspector of Police was on patrol duty received information that the accused was vending illicit liquor in contravention of the provisions of the Abkari Act. When he went to the informed place, he found the accused pouring liquor into a glass and another person consuming it. Thereafter, the consumer paid value of the commodity and the concluded sale was noticed by the detection officer. When they reached the place to apprehend the accused, he ran away.

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

4. Learned counsel for the petitioner submitted

that petitioner purchased liquor and at the most liquor consumed in the public place.

5. Materials in the case diary does not support the contention of the petitioner. That apart, the statement of law under Sec.41A of the Abkari Act does not permit this Court to grant anticipatory bail in such cases.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/12/10/2015

P.A. To Judge