

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Bail Appl..No. 6504 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CRMC 2126/2015 of D.C. & SESSIONS
COURT, THRISSUR DATED 09-10-2015
CRIME NO. 103/2014 OF THRISSUR EXCISE RANGE OFFICE , THRISSUR

PETITIONER(S)/SECOND ACCUSED:

MUKESH.R AGED 25 YEARS
S/O.RAJAPPAN, MAMBULLY HOUSE, SHIVAJI NAGAR
ALAMARAM, KANJIKODE PO, PALAKKAD DISTRICT

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
THROUGH EXCISE INSPECTOR
THRISSUR EXCISE RANGE OFFICE
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031

BY PUBLIC PROSECUTOR MS.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ONjb
09-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

B.A.No. 6504 of 2015

Dated this the 9th November, 2015

O R D E R

Petitioner is the second accused in Crime No.103/14 of Excise Range Office, Thrissur registered under Sections 55(a) and 67B of the Kerala Abkari Act, on the allegation that on 16.11.2014 at about 9.30 p.m., the petitioner and the other accused were found transporting 320 litres of spirit in a Tata Sumo bearing registration No.KL-07-Z-468 in contravention of the provisions of the Kerala Abkari Act. The petitioner was arrested on 26.9.2015 and ever since he has been in custody.

2. Heard.

3. The learned Public Prosecutor has opposed the application.

4. It appears that there are materials to connect the petitioner with the commission of offence. Learned counsel for the petitioner submits that the first accused was already granted bail by the Court after his arrest and

judicial detention and hence the petitioner is also entitled to be granted bail.

5. The learned Pubic Prosecutor has submitted that the first accused was granted statutory bail under Section 167(2) of the Code of Criminal Procedure, as the final report was not filed even after the period of 60 days. However, so far as the petitioner is concerned, the statutory period is not yet over.

6. Since the learned Pubic Prosecutor has opposed the application, there is embargo under Section 41A of the Abkari Act in granting bail to the petitioner, particularly when there are materials to connect the petitioner prima facie with the commission of the offences. Therefore, I am not inclined to grant bail to the petitioner at this stage.

In the result, the bail application stands dismissed.

**B.SUDHEENDRA KUMAR
JUDGE**

vgs9/11/15