

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6524 of 2015

CRIME NO. 81/2015 OF CHERTHALAI EXCISE RANGE, ALAPPUZHA DISTRICT.
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PETITIONER/ACCUSED:

**RAJESH, AGED 32 YEARS,
S/O.SURESH BABU, PARATHARA HOUSE,
VAYALAR (PO), CHERTHALAI, ALAPPUZHA.**

**BY ADVS.SRI.P.V.JAYACHANDRAN
SRI.S.SUDHEESHKAR
SRI.E.B.SHIVANANDAN
SRI.NIDHI BALACHANDRAN
DR.K.S.NIZAR
SRI.RIZWIN KOCHERY**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, CHERTHALAI.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6524 of 2015

Dated this the 30th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.81 of 2015 of Cherthala Excise Range registered for offences punishable under Section 55(i) of the Abkari Act.

3. Prosecution case is that on 29.08.2015 at about 4.45 p.m. the accused was found conducting sale of Indian Made Foreign Liquor and on seeing the Excise Party, he ran away.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application contending that from the seizure mahazar itself identity of the accused could be revealed. It is further submitted that the recovery was from a compound without any fencing or other boundary.

The materials in the case diary do not support the version of the petitioner. Therefore I am not inclined to grant anticipatory bail to the petitioner. In the event the petitioner surrenders before the investigating officer within a period of one week after questioning him, he shall be

produced before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of production itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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