

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 7023 of 2015

OR.NO. 243/2015 OF ADOOR EXCISE RANGE, PATHANAMTHITTA DISTRICT.
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PETITIONER(S)/ACCUSED:

- 1. SANTHAMMA, W/O. SASI, AGED 61 YEARS,
POTHUTHARATHEKKETHIL HOUSE,
PAZHAKULAM PADINJARE DESOM,
PALICKAL VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. ANEESH, AGED 27 YEARS,
S/O. SASI, POTHUTHARATHEKKETHIL HOUSE,
PAZHAKULAM PADINJARE DESOM, PALICKAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THROUGH EXCISE INSPECTOR,
ADOOR EXCISE RANGE, ADOOR,
PATHANAMTHITTA DISTRICT.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7023 of 2015

Dated this the 18th day of November 2015

O R D E R

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

2. Petitioners are accused in O.R. No.243 of 2015 of Adoor Excise Range registered for the offence punishable under Sec.55(i) of the Kerala Abkari Act. Prosecution case is that on 29.10.2015 at about 7.00 p.m., the petitioners were found in possession of 5 litres of Indian Made Foreign Liquor allegedly kept for sale. Recovery was effected from the bed room of the house of the petitioners.

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

4. Learned counsel for the petitioners submitted that the petitioners are innocent of all the allegations and they are legally entitled to possess 6 litres and the quantity recovered is less than that.

5. Learned Public Prosecutor contended that the contraband was possessed for the purpose of sale.

Considering the nature of allegations, I am not inclined to grant pre arrest bail to the petitioners. Hence, following directions are issued.

The petitioners shall surrender before the Investigating Officer within a period of two weeks from today and submit themselves for interrogation. The Investigating Officer, after questioning the petitioners, shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate. In that event, the learned Magistrate shall deal with the matter in accordance with law based on the decision reported in **Sukumari V. State of Kerala [2000 (1) KLT 22]**.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /
P.A. To Judge