

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. 7138 of 2015 ()

CRIME NO. 76/2015 OF EXCISE RANGE OFFICE, KOTTAYAM

PETITIONER/ACCUSED :

**JAYARAJ K.,
AGED 50, S/O.A.P.BALAKRISHNA KURUP,
QUARTER NO. 11/22, RUBBER BOARD,
PUTHUPALLY VILLAGE, KOTTAYAM TALUK.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.NANDAGOPAL S. KURUP**

RESPONDENTS/DEFACTO COMPLAINANT :

**STATE OF KERALA
THROUGH THE EXCISE RANGE INSPECTOR
EXCISE RANGE OFFICER, KOTTAYAM
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.7138 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. Petitioner is the accused in Crime No.76 of 2015 of Excise Range, Kottayam registered for the offences punishable under Secs.55(a) and 13 read with Sec.63 of the Kerala Abkari Act. Prosecution case is that on 01.08.2015 at about 10.20 a.m., the Excise officers conducted a raid in the house of the petitioner and in that process, 13.05 litres of Indian Made Foreign Liquor could be recovered.

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

4. Learned counsel for the petitioner submitted that the petitioner is an Ex-military man and he only availed the quota of liquor given from the canteen and never intended to sell it. It is also submitted that the petitioner lawfully procured the article and no offence has been committed.

5. Learned Public Prosecutor opposed the bail application contending that the the quantity exceeds the limits prescribed and it was recovered from his house thereby Sec.55(a) and 63 of the Act have been attracted.

Considering the nature of allegations, following directions are issued.

The petitioner shall surrender before the Court below in two weeks and move for regular bail. In that event, the learned Magistrate may consider the application on merits on the date of filing itself.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/18/11/2015

P.A. To Judge