

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7830 of 2015

CRIME NO. 119/2015 OF MALAPPURAM EXCISE RANGE, MALAPPURAM DISTRICT.
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PETITIONER/ACCUSED:

**UNNOOLI, W/O.PAPPACHAN (LATE),
AGED 49 YEARS, BHAGAVATHI PARAMBATH
KOLAMBALAM DESOM, OMANOOR.P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**
- 2. THE EXCISE INSPECTOR,
MALAPPURAM EXCISE RANGE,
MALAPPURAM, PIN-676 505.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.7830 of 2015

Dated this the 15th day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.119 of 2015 of the Malappuram Excise Range registered for the offence punishable under Section 8(1) of the Abkari Act.

3. Prosecution case is that on 24.11.2015 at about 05.40 hours, the excise officials detected the offence committed by the petitioner whereby she was found possessing of 1.5 litres of arrack against the provisions of the Abkari Act.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that petitioner's son is terminally ill. To prove that fact Annexure-A discharge summery from Amrita Institute of Medical Sciences and Research Centre, Kochi has been produced.

6. Learned Public Prosecutor submitted that she is

not involved in any other offence earlier.

Considering the embargo under Section 41A of the Abkari Act, I direct the petitioner to surrender before the court having jurisdiction in this matter. If the petitioner moves for the bail, the learned magistrate shall consider the application as expeditiously as possible, if possible on the date of surrender itself based on the principles in **Sukumari v. State of Kerala** [2001(1) KLT 22].

AS

Sd/-
A.HARIPRASAD, JUDGE.
/True Copy/

P.A. To Judge