

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7878 of 2015

CRIME NO. 262/2015 OF NOORANAD EXCISE RANGE, ALAPPUZHA DISTRICT.
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PETITIONER/ACCUSED:

**SURESH @ SANKARADI, AGED 30 YEARS,
S/O. DIVAKARAN, SUMESH BHAVANAM,
KADUVINAI MURI, VALLIKKUNNAM,
ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
THROUGH EXCISE INSPECTOR,
NOORNADU EXCISE RANGE.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7878 OF 2015

Dated this the 17th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the bail application came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is apprehending arrest and detention in connection with Crime No.262/2015 of Noornadu Excise Range.

2. It is the submission that now the petitioner is arrayed as an accused in the above crime on mere suspicion and if he is arrested, it will cause irreparable injury to him. It is also submitted that as per the prosecution case itself, the so called contraband i.e. 18 litres of arrack as well as wash was seized from a puncha near the house of the petitioner. It appears from the prosecution case that when the excise officials came, he was moving away from his house. Thereafter the seizure made. Then they suspected that the articles belong to the petitioner. It is the case of the prosecution that he was holding a can in his hand.

3. The learned Public Prosecutor submitted before me that this is not a case of mere suspicion. It is a case where on reliable information, the Police moved. It is further submitted that when the offence is alleged under Section 8(1) of the Abkari Act as well as considering the ambit of Section 41 of the Abkari Act, it may not be proper to grant anticipatory bail to the petitioner. It is also submitted that if anticipatory bail is granted, it will cause hurdle in the investigation process, especially when it is a case where interrogation is highly necessary.

4. There is force in the submission of the learned Public Prosecutor. Thus, considering the totality of the case, I feel that the petitioner can very well surrender before the excise officials and co-operate with the investigation. If the petitioner surrenders before excise officials and produced before the Magistrate and a bail application is moved, it shall be considered on merit.

The bail application is accordingly dismissed.

SV.

K.P.JYOTHINDRANATH
JUDGE