

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 8161 of 2014 ()

CRIME NO. 40/2014 OF UDUMBANCHOLA EXCISE RANGE, IDUKKI DISTRICT

PETITIONER/ACCUSED:

**BABY, AGED 37 YEARS,S/O.MIKHAYEL,
CHEMBERIL HOUSE, KUTHUNKAL KARA,
UDUMBANCHOLA VILLAGE, UDUMBANCHOLA TALUK.**

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.8161 of 2014
.....

Dated this the 30th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Cr. No.40/2014 of the Udumbanchola Excise Range, Idukki for the offences punishable under Sections 8(1) and (2) and 55(g) of the Abkari Act.

3. The allegation against the petitioner is that on 03.09.2014 at 4 p.m., he was found handling 22.800 litres of arrack and 179.500 litres of wash. On seeing the excise party he ran away from the spot after leaving the contraband. The said contraband was seized.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. According to the learned counsel for the petitioner the property from where the contraband was

seized does not belong to the petitioner. At the same time, it is the case of the investigating officer that the petitioner was found in possession of those contraband items and he was the person who ran away from the spot on seeing the excise party after leaving the contraband. Whether the property belongs to him or not does not assume any importance as far as this case is concerned. This is an application seeking anticipatory bail in an Abkari matter, which cannot be entertained. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge