

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 8607 of 2014 ()

CRIME NO. 118/2014 OF NOORANAD EXCISE RANGE.

.....

PETITIONER(S):

**VIMALAMMA, AGED 54 YEARS,
W/O.MANIYAN, MANJU BHAVANAM,
PATTOOR MURI, NOORANAD VILLAGE,
ALAPPUZHA.**

BY ADV. SRI.MANU ROY.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN- 682 031.**
- 2. THE EXCISE INSPECTOR,
NOORANAD EXCISE RANGE,
ALAPPUZHA-689 120.**

BY GOVT. PLEADER SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.8607 of 2014
.....

Dated this the 7th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.118/2014 of Nooranad Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 19.11.2014 at 5.40 p.m., she was found engaged in selling of IMFL in contravention of the provisions of the Abkari Act. On seeing the excise party, she ran away from the spot after leaving the contraband and she could not be apprehended. A quantity of 600 ml. of IMFL and the sale proceedings of ₹140/- were seized from the spot.

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

5. This is an application seeking anticipatory bail in an abkari matter, which cannot be entertained. It is for the petitioner to surrender before the court below and seek bail. When no criminal antecedents have been reported against the petitioner and by considering the small quantity of contraband involved in this case, I am of the view that an opportunity can be given to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this Bail Application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where

the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/04

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PA to Judge