IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 8987 of 2014 ()

CRIME NO. 103/2014 OF THRISSUR EXCISE RANGE OFFICE, TRISSUR

PETITIONER/SECOND ACCUSED (NOT IN CUSTODY) :

MUKESH R., AGED 24 YEARS
S/O.RAJAPPAN, MAMBULLY VEEDU, SIVAJI NAGAR
ALAMARAM DESOM, KANJIKODE P.O., PALAKKAD DISTRICT.

BY ADV. SRI.SHOBY K. FRANCIS

RESPONDENT/STATE :

STATE OF KERALA/CIRCLE INSPECTOR
THRISSUR EXCISE RANGE OFFICE, THRISSUR
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B.KEMAL PASHA, J.

B.A. No.8987 of 2014

Dated this the 5th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.103/2014 of Thrissur Excise Range registered for the offences punishable under Sections 55(a) and 67B of Abkari Act.

3. The allegation against the petitioner and the other accused is that on 16.11.2014 at 9.30 p.m., they were found transporting 320 litres of spirit by Tata Sumo car bearing Reg.No.KL-07Z-468. 1st accused was driving the car and he could be arrested on the spot itself. On seeing the excise party, the petitioner ran away from the spot and he could not be arrested.

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

4. This is a case where anticipatory bail has been sought for in an abakari offence of a serious nature. The allegations against the petitioner are very grave and serious. The contents of the CD prima facie reveal the complicity of the petitioner. The source from where the spirit has been brought is yet to be traced

out.

5. Considering the seriousness of the allegations, and the present stage of the investigation, I am satisfied that this is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

In the result, this Bail Application is dismissed.

sd/-

B.KEMAL PASHA, JUDGE

ps/5/1/15

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PA to Judge