

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 9194 of 2014 ()

CR NO. 79/2014 OF NEYYATTINKARA EXCISE RANGE OFFICE, THIRUVANANDAPURAM

PETITIONER/ACCUSED :

**RAJKUMAR, S/O.GANGADHARA PANICKER,
SHOWN AS RESIDING AT SIVAPRASAD BHAVAN, MULLOORKONAM,
EDAIKODE, PALALICHAL VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J

B.A. No.9194 of 2014

Dated this the 7th day of January , 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in C.R. No.79 of 2014 of the Neyyattinkara Excise Range office registered for the offence punishable under Section 55(i) of the Kerala Abkari Act.

3. The allegation against the petitioner is that on 09.12.2014 at 9.00 a.m., he was found engaged in selling Indian Made Foreign Liquor and when the Excise party came there, he ran away from the spot after leaving the contraband. A quantity of 300 m.l. of IMFL which was held by him and left by him at the spot and another quantity of 1.600 m.l. of IMFL from the spot, were recovered and seized.

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

5. This is an application seeking anticipatory bail in

an abkari offence of serious nature which cannot be entertained. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

In the result, the bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

/ True Copy /

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P.A. To Judge