IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

Bail Appl..No.7807 OF 2020

CRIME NO.68/2019 OF Kodungallur Excise Range Office , Thrissur

PETITIONER/ACCUSED:

AMALNATH
AGED 30 YEARS
SON OF UNNIKRISHNAN, PANANGATTU HOUSE, PANAGADU P.O, KODUNGALLUR,
THRISSUR DISTRICT,
680665

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM – 682031.

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.B.JAYASURYA SRPP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 3rd day of December 2020

This is an application seeking anticipatory bail filed under Section 438 Cr.PC.

2. The applicant apprehends arrest in Crime CR.No.68/2019 of Kodungallur Excise Range for having allegedly committed offences punishable under Sections 8(1) and (2) of the Abkari Act and has therefore approached this Court for anticipatory bail.

3. Heard both sides.

4. The applicant states that he has been implicated as an accused only for the reason that he is the owner of the house from which the contraband articles were seized by the Excise officials. It is one Gireesh who was actually involved in the possession of the contraband articles. Gireesh was purportedly a tenant in the property which he has taken on lease from one Karthikeyan. The applicant has produced

documents to show that his father had entered into an agreement with one Vasanthi and handed over possession to the said Vasanthi. It is her husband Karthikeyan, who had entered into a lease agreement with Gireesh who was apprehended by the Excise officials in connection with the possession of the arrack. The lease agreement as also the sale agreement given for sale have been produced by the applicant to prove his case.

5. The learned Prosecutor submits that a notice was issued to the applicant which is also produced by the applicant, and he has also replied detailing all these facts stated above. The prosecution did not buy the story which was projected by the applicant and has implicated him as an accused for an offence only under Section 64A of the Abkari Act. The offence is bailable and is triable by a Magistrate. Under the circumstances, an offence under Sections 8(1) and (2) of the Abkari Act is not made out against the applicant. The

apprehension of the applicant that he may be arrested for a non-bailable offence is out of place. The applicant is therefore directed to surrender before the jurisdictional Magistrate on getting summons.

The bail application is disposed of as above.

Sd/-

ASHOK MENON

JUDGE

jg