IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

THURSDAY, THE 17TH DAY OF DECEMBER 2020 / 26TH AGRAHAYANA, 1942

Bail Appl..No.7969 OF 2020

CR NO.41/2020 OF Udumbanchola Excise Range Office, Idukki

PETITIONER/S:

ANIL
AGED 46 YEARS
SON OF DAMODHARAN, KODITHOTTATHIL HOUSE, PARAKKADAVU KARA, KARUNAPURAM VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT
673509

BY ADV. DR.PAULY MATHEW MURICKEN

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING THE EXCISE INSPECTOR, UDUMBANCHOLA EXCISE RANGE, IDUKKI DISTRICT
682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.C.N.PRABHAKARAN SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 17th day of December 2020

Application for anticipatory bail under Section 438 Cr.PC.

The applicant is an accused in CR No.41/2020 of Udumbanchola Excise Range for having allegedly committed offences punishable under Sections 8(1), 8(2) and 55(g) of the Abkari Act.

2. The prosecution case, in brief, is that the Excise party had allegedly conducted a raid at the house of the applicant on 8.5.2020 at about 4.30 p.m. and seized 10 litres of arrack and utensils for the purpose of distillation of arrack. The applicant was not residing at his house and therefore was not apprehended, and now apprehending arrest, he has approached this Court for anticipatory bail. The applicant states that he has no criminal antecedents and the allegations are not true and hence seeks anticipatory bail.

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

4. In view of the embargo under Section 41A of the Abkari Act and the decision of the Apex Court in ***Muraleedharan v. State of Kerala [2001 KHC 411]***, the applicant is not entitled to a pre-arrest bail. The application is only to be dismissed.

5. In view of the above, the applicant is directed to surrender before the Investigating Officer within two weeks. In the event of his being arrested, after interrogation, he shall be produced before the jurisdictional court, where he is at liberty to apply for regular bail, which shall be considered and preferably disposed of by the jurisdictional court on the very same day.

The bail application is disposed of as above.

Sd/-

ASHOK MENON

JUDGE

jg