IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

Bail Appl..No.8147 OF 2020

CRIME NO.143/2020 OF Kayamkulam Excise Range Office , Alappuzha

PETITIONER/S:

RATHEESH KUMAR
AGED 45 YEARS
SON OF RAMACHANDRAPILLAI, THANKAYYATHU VEEDU,
NJAKKANAL MURI, KRISHNAPURAM VILLAGE, ALAPPUZHA
DISTRICT
690533

BY ADV. SRI.RENJIT GEORGE

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA
682031

2 **THE EXCISE INSPECTOR**
KAYAMKULAM EXCISE RANGE OFFICE, KAYAMKULAM ,
ALAPPUZHA DISTRICT
690502

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.C.N.PRABHAKARAN SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 14th day of December 2020

Application for regular bail under Section 439 of Cr.P.C

The applicant is the sole accused in Crime No.143/2020 of Kayamkulam Excise Range, Alappuzha for having allegedly committed offences punishable under Sections 8(1) & (2) and 55 (i) of the Kerala Abkari Act.

2. The prosecution case, in brief, is that on 22.11.2020 at about 6.10 p.m. the Excise Party found the applicant to be in possession of 12 litres of arrack and he was also in possession of 5.125 litres of Indian Made Foreign Liquor in his residence at Krishnapuram Village and thus he was apprehended and remanded to judicial custody.

3. The applicant states that he is innocent and the allegations are not true. Moreover, it is stated that he has no criminal antecedents. He has been in custody since 22.11.2020. It is also submitted that his father is mentally ill and needs to be look after by him alone. Hence the applicant seeks bail.

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

5. The applicant has no criminal antecedents. Considering the fact that his father's illness and also the quantity of liquor involved, I find that further incarceration of the applicant may not be necessary. He is therefore directed to be released on bail on execution of bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall not get involved in similar cases during the pendency of the bail,

(ii) He shall appear before the investigating officer as and when called for,

(iii) He shall not tamper with evidence, intimidate or influence the witnesses .

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court.

sd/-

ASHOK MENON

JUDGE

rmm