IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 9TH DAY OF APRIL 2025/19TH CHAITHRA, 1947

CRL.MC NO. 3280 OF 2025

CRIME NO.134/2021 OF SULTHANBATHERY EXCISE RANGE OFFICE, WAYANAD

AGAINST THE ORDER/JUDGMENT DATED 04.03.2025 IN CP NO.2 OF 2025 OF JUDICIAL MAGISTRATE OF FIRST CLASS, SULTHANBATHERY

PETITIONER/ACCUSED NO.1:

MOHAMMED BASHEER .K
AGED 37 YEARS, S/O. KOPPILAN ABDHU RAHMAN,
AGED 37 YEARS, POOLAKKATHODI HOUSE, KOLATHUR,
PALLIKKAL, CALICUT AIRPORT (P. O), KONDOTTY,
MALAPPURAM DISTRICT, PIN - 673647

BY ADVS.
K.REEHA KHADER
P.P.HASHICK

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULUM,
PIN - 682031

SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 9th day of April, 2025

Petitioner is the 1st accused in C.P No.2 of 2025 on the files of the Judicial First Class Magistrate Court-I, Sulthan Bathery. The case originated from O.R No.134 of 2021 registered at the Excise Range Office, Sulthan Bathery for offences under Sections 10, 55(a) and 55D of the Abkari Act. The prosecution allegation is that the petitioner was found in possession of Extra Neutral Alcohol. During the course of investigation, the petitioner's Passport was seized and produced in court. As the petitioner is employed in Ajman, he sought release of the Passport. The learned Magistrate having rejected the application, this Crl.M.C is filed.

2. Learned Counsel for the petitioner submits that her client has to report back to his employer at Ajman in UAE by the 12th of this month. It is the submission of the learned Counsel that the

petitioner will abide by any condition imposed by this Court and release of the Passport will not hamper the trial, since the case is only at the committal stage.

3. I heard the learned Public Prosecutor also.

4. As the petitioner is working abroad and the case is still at the committal stage, interest of justice demands that the petitioner be permitted to go abroad to rejoin his job. The petitioner's presence, whenever required, can be assured by imposing appropriate conditions.

The Crl.M.C is accordingly disposed of as under;

Annexure A2 order is quashed and the Judicial Magistrate of First Class-I, Sulthan Bathery is directed to release petitioner's Passport, subject to the following conditions;

(i) The petitioner shall deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) and

file an affidavit, undertaking to appear before the court as and when required and engage a Counsel to represent him during his absence.

(ii) The petitioner shall furnish his mobile number, details of his employer and e-mail address.

(iii) In case of failure to appear in court despite direction in that regard, the amount of Rs.25,000/- shall be forfeited.

Sd/-

V.G.ARUN
JUDGE

ARK

APPENDIX OF CRL.MC 3280/2025

PETITIONER ANNEXURES

ANNEXURE A1	**A TRUE COPY OF THE VISA SPONSORED BY THE LIRA COSMETICS MANUFACTURING LLC**
ANNEXURE A2	**CERTIFIED COPY OF THE ORDER DATED 04-03-205 OF CMP 253/ 2025 IN CP 02/2025**