

(2011) 05 KL CK 0167
In the High Court Of Kerala
Case No : Criminal MC No. 1399 of 2011

Harish

APPELLANT

Vs

The Excise Inspector and State

RESPONDENT

Date of Decision : 24-05-2011

Acts Referred:

Kerala Abkari Act, 1077 — Section 55

Citation : (2011) 05 KL CK 0167

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : P.K. Anil, for the Appellant; No Appearance, for the Respondent

Judgement

Thomas P. Joseph, J.—Petitioner is the second accused in C.R. No. 46 of 2009 of Kasaragode Excise Range Office and C.P. No. 56 of 2011 of the Court of learned Judicial First Class Magistrate-I, Kasaragode for offence punishable u/s 55(a) of the Abkari Act. Prosecution case is that on 19.11.2009 at about 7 p.m the first Respondent intercepted a car and seized 2064 bottles of Indian Made Foreign Liquor. The (alleged) registered owner of the car who was driving it stated that the car belonged to the Petitioner. According to the Petitioner, he has been implicated as second accused in the case only for that reason. The prayer is to direct learned Judicial First Class Magistrate to release Petitioner on bail on his surrender in the event of his arrest.

2. In the light of the decision of the Supreme Court in T.G.N. Kumar v. State of Kerala 2011 (1) KHC 142 no such direction could be granted. It is for the learned Magistrate to decide whether Petitioner could be released on bail or not having regard to the facts and circumstances of the case. But it is directed that in case any application for bail is filed by the Petitioner, the same shall be disposed of as early as possible.

This criminal miscellaneous case is disposed of with the above direction.