
(2022) 01 KL CK 0226
In the High Court Of Kerala
Case No : Bail Application No. 550 Of 2022

Jacob C. Omman

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 31-01-2022

Acts Referred:

Kerala Abkari Act, 1967 — Section 55(a)

Citation : (2022) 01 KL CK 0226

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : K.Nirmalan, Seetha .S

Final Decision : Dismissed

Judgement

Gopinath P, J

1. This is an application for regular bail.
2. The petitioner is the accused in Crime No.953 of 2021 of Vatanappilly Police Station, Thrissur District, alleging commission of offence under Section 55(a) of the Abkari Act. The allegation against the petitioner is that on 20.12.2021, the petitioner was found transporting a huge quantity of Indian Made Foreign Liquor (362 bottles of different capacities) and thereby he committed the offence alleged against him.
3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that the petitioner has been in custody from 20.12.2021 and his continued detention is not necessary for the purpose of any investigation. It is submitted that the only offence alleged against the petitioner is that under Section 55(a) of the Abkari Act.
4. The learned Public Prosecutor, on instructions, would submit that the petitioner

has got criminal antecedents. It is submitted that a case is pending against the petitioner for having in possession a small quantity of contraband article under the NDPS Act. It is also submitted that the petitioner is also accused in an earlier Abkari offence.

5. Having regard to the facts and circumstances of the case and considering the nature of the allegations against the petitioner and also taking into

account the fact that he has been in custody from 20.12.2021 and that his continued detention may not be necessary for a proper investigation into

Crime No.953 of 2021 of Vatanappilly Police Station, Thrissur District, I am of the opinion that the petitioner can be granted bail subject to conditions.

The earlier antecedents reported against the petitioner by itself do not compel me to hold that the petitioner is not entitled to bail, considering the nature of the allegations in those cases.

6. In the result, this bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

(1) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Jurisdictional Court;

(2) Petitioner shall report before the investigating officer in Crime No.953 of 2021 of Vatanappilly Police Station, Thrissur District, on every Saturday at 11.00AM until

further orders;

(3) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.953 of 2021 of Vatanappilly Police Station,

Thrissur District;

(4) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.953 of 2021 of Vatanappilly Police Station, Thrissur District, may

file an application before the Jurisdictional Court for cancellation of bail.