
(2021) 10 KL CK 0155
In the High Court Of Kerala
Case No : Bail Appl. No. 6504 Of 2021

Mahdoon @ Shibu

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-10-2021

Acts Referred:

Kerala Abkari Act, 1967 — Section 8(1), 8(2), 55(g)

Citation : (2021) 10 KL CK 0155

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : K.Shaj, Sreeja.V

Final Decision : Allowed

Judgement

Shircy V., J

1. This application for regular bail has been filed by the sole accused in Crime No. 98 of 2021 of Pathanapuram Excise Range, Kollam District registered for the offences punishable under Sections 8(1), 8(2) and 55(g) of the Kerala Abkari Act.
2. The prosecution allegation is that on 01.06.2021 at about 11.45 a.m., on getting information that the petitioner has concealed illicit arrack and spirit for distillation of illicit arrack at his residence, the excise officials proceeded to the residence of the petitioner and seized 20 litres of illicit arrack and 1545 litres of wash and thereby the case has been registered against him.
3. The petitioner was arrested on 01.06.2021 and on 05.06.2021 itself he was granted interim bail by the jail authorities owing to the pandemic situation of the country without any direction to return to jail. So, only for a few days he had to remain in judicial custody.
4. Now it is submitted by the learned Public Prosecutor that custodial interrogation of this petitioner is not required to proceed with the investigation of the case and the investigation is almost over.

5. Accepting the said submission of the learned Public Prosecutor, this petitioner, though was found in possession of large quantity of wash kept for the purpose of distillation of illicit arrack for sale for wrongful gain, this court is constrained to grant bail to the petitioner.

Therefore, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail in accordance with the law.