

**(2022) 03 KL CK 0080**

**In the High Court Of Kerala**

**Case No : Bail Application Nos. 1963, 1992 Of 2022**

Rajesh

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision : 11-03-2022**

**Acts Referred:**

Kerala Abkari Act, 1958 — Section 56(b), 58

**Citation : (2022) 03 KL CK 0080**

**Hon'ble Judges : Gopinath P, J**

**Bench : Single Bench**

**Advocate : M.J.Santhosh, Noushad K.A**

**Final Decision : Dismissed**

## Judgement

Gopinath P, J

1. These are applications for regular bail.
2. The petitioners in these cases are accused 1 to 3 in Crime No. 9 of 2022 of Mattancherry Excise Range Office, Ernakulam District. The petitioners are the employees and Manager of a hotel known as 'Killiana Hotel' at Fort Kochi. It is alleged that on 28.02.2022, a one litre bottle of McDowell's brandy containing 350 ml of brandy was recovered from the service desk of the hotel. It is further alleged that the said bottle did not bear the hologram sticker and that the purchase bill was not available and therefore, the petitioners committed the offences under Sections 56(b) and 58 of the Kerala Abkari Act.
3. The learned counsel for the petitioners appearing in these cases would submit that the petitioners are absolutely innocent in the matter. It is submitted that the purchase bill was available, which would show that it was purchased from the Kerala Beverages Corporation. It is further submitted that the petitioners have been in custody from 28.02.2022 and that their continued detention is not necessary for the purpose of any investigation.

4. Heard the learned Public Prosecutor also.

5. Having regard to the facts and circumstances of the case and taking into account of the nature of allegations against the petitioners and also taking into account the fact that the continued detention of the petitioners is not necessary for the purpose of any investigation, I am of the view that the petitioners can be granted bail, subject to conditions.

In the result, these bail applications are allowed and it is directed that the petitioners shall be released on bail subject to the following conditions:

(a) The petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;

(b) Petitioners shall appear before the investigating officer in Crime No. 9 of 2022 of Mattancherry Excise Range Office, Ernakulam District, whenever called upon to do so;

(c) The petitioners shall not attempt to interfere with the investigation or to influence any witness in Crime No. 9 of 2022 of Mattancherry Excise Range Office, Ernakulam District;

(d) The petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions is violated, the investigating officer in Crime No. 9 of 2022 of Mattancherry Excise Range Office, Ernakulam District, may file an application before the jurisdictional court for cancellation of bail.