

(2022) 01 KL CK 0122
In the High Court Of Kerala
Case No : Bail Application No. 435 Of 2022

Sunil Kumar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 18-01-2022

Acts Referred:

Kerala Abkari Act, 1967 — Section 55(a), 56(b)

Citation : (2022) 01 KL CK 0122

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : V.John Sebastian Ralph, Vishnu Chandran, Ralph Reti John, Appu Babu, Shifna Muhammed Shukkur, T.R. Ranjith

Final Decision : Dismissed

Judgement

Gopinath P., J

1. This is an application for regular bail.
2. Petitioner is the 1st accused in Crime No.1/2022 of Excise Range Office, Ernakulam, alleging commission of offences under Sections 56(b) and 55(a) of the Kerala Abkari Act.
3. Petitioner is working in a bar hotel known as "Highway Gardens Drive" situated on the Edappally Bye pass. It is alleged that on 02.01.2022 when the excise team conducted inspection, it was found that there was 1.450 litres of "illegal" Indian Made Foreign Liquor in the possession of the petitioner.
4. Learned counsel appearing for the petitioner submits that the only allegation against the petitioner is that the seal of two bottles which was to be retained on the bottle itself after it was opened was not so retained in respect of

two bottles and further that no seal was found in respect of one other bottle of Indian Made Foreign Liquor. It is submitted that the petitioner was only a temporary manager of the hotel on the date of inspection and and he had no knowledge whatsoever of the purchase and sale of the Indian made Foreign Liquor at the hotel. It is submitted that the petitioner has been in custody from 02.01.2022 and his continued detention is not necessary, taking into account the allegations raised against him.

5. Learned Public Prosecutor, on instructions, submits that several discrepancies were found by the Excise team at the time of inspection. It is pointed out that going by the purchase register, though the last purchase was in the month of September 2021, some bottles which bear a manufacturing date in the month of November, 2021 were found in the hotel. It is submitted that the matter has to be thoroughly investigated.

6. Learned counsel appearing for the petitioner submits that the allegations in respect of the discrepancy with the purchase register is in respect of one bottle only.

7. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been in custody from 02.01.2022 and also considering the nature of the allegations against the petitioner, I am of the opinion that the petitioner can be released on bail subject to strict conditions.

Accordingly, this application for bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

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

jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 1/2022 of Excise Range Office, Ernakulam on every Monday at 11 am until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.1/2022 of Excise Range Office, Ernakulam ;

(iv) 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.1/2022 of Excise Range Office, Ernakulam may file an application

before the jurisdictional court, for cancellation of bail.