

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

FRIDAY, THE 24TH DAY OF APRIL 2020/4TH VAISAKHA, 1942

Bail Application TMP No. 72of 2020

**(in connection with the enquiry in th office of the Excise Circle
Office, Mattanchery)**

Petitioner/Accused:

SAJITH M.S. AGED 32, S/O.SATHEESHAN,
MALIACKAL HOUSE, PRABHAKARAN ROAD,
EDAKOCHI, ERNAKULAM.

By Adv.K.R.Vinod

Respondents/ Complainant:

1. State of Kerala represented by The Public Prosecutor,
High Court of Kerala, Kochi – 682 031.
2. The Excise Inspector, Excise Circle Office,
Excise Circle office,
Mattanchery, Kochi – 02.
By Public Prosecutor

THIS B.A. HAVING BEEN FINALLY HEARD ON 24.04.2020, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This is an application filed for pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No.10 of 2020 of the Mattanchery Excise Range. The petitioner is alleged to have committed the offences punishable under Sections 8(2) and 55(g) of the Kerala Abkari Act.

3. The prosecution case, in brief, is that: on a secret information received by the Investigating Officer, they conducted a search on 07.04.2020 at the residence of the petitioner. In the search conducted, they recovered certain equipments and utensils from the residence of the petitioner. Thus, the petitioner has committed the above offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor via video-conferencing.

6. The learned counsel for the petitioner argued that he is absolutely innocent in the above incident. The utensils and equipments were actually used by his brother who has fled away from the residential premises. The petitioner is ready to cooperate with the Investigating Officer. The Investigating Officer may be directed to produce the petitioner before the concerned court at the earliest.

7. The learned Public Prosecutor argued that on the search conducted by the Investigating Officer on 07.04.2020, certain utensils and equipments were seized from the petitioner's residence. The petitioner is involved in the above crime. There is a bar under Section 41A of the Kerala Abkari Act for this Court to grant an order under Section 438 of the Code of Criminal Procedure.

8. Having regard to the facts and circumstances of the case, particularly the gravity of the offence alleged against the petitioner, I am not inclined to grant an order

of pre-arrest bail. However, in view of the recovery already effected by the Investigating Officer, I direct the Investigating Officer, in the event of the petitioner surrendering himself, to produce the petitioner before the jurisdictional court, at the earliest.

With the above observations, this Bail Application is dismissed.

C.S.DIAS, JUDGE

kkj/24.04.2020