

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3916 of 2007()

C.R.NO.8/2007 OF EXCISE RANGE, CHERPULASSERY

: PETITIONER/ACCUSED

UNN00LI, W/O.KUMARAN, AGED 50 YEARS,
CHERUKKULAM PARAMBU VEEDU, ALANGAD AMSOM,
VETTEKKARA DESOM, KADAMPAZHIPURAM I VILLAGE,
OTTAPALAM TALUK.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, CHERPULASSERY, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.3916 of 2007

Dated this the 29th day of June, 2007

ORDER

Application for anticipatory bail. The offence alleged is under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 4.7 litres of arrack on 13.06.2007 when the excise officials intercepted her. She could not be arrested as there was no woman police constable in the party. Her name is shown clearly in the seizure mahazar and in the occurrence report. She apprehends imminent arrest.

2. The learned counsel for the petitioner prays and the learned Public Prosecutor opposes such prayer for anticipatory bail. I am unable to agree that there are any circumstances, which would justify invocation of the jurisdiction under Section 438 Cr.P.C. This is an eminently fit case where the petitioner must resort to the ordinary and normal procedure of appearing before the Investigator or the learned Magistrate having jurisdiction. She must then seek regular bail.

3. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-