

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 31ST AUGUST 2007 / 9TH BHADRA 1929

Bail Appl..No. 5221 of 2007(V)

CRIME NO.43/2005 OF THOTTILPALAM POLICE STATION.

.....

PETITIONER/ACCUSED

VIJAYAN, S/O NANU, AGED 35 YEARS,
PUNNATHOTTATHIL HOUSE, KAYAKKODI AMSOM,
AKKAL, THOTTILPALAM, KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS: STATE & COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
THOTTILPALAM POLICE STATION, KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.NOBLE MATHEW.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A.No. 5221 of 2007

Dated this the 31st day of August, 2007.

ORDER

The petitioner is the accused in Excise Crime No.43/2005 of Thottilpalam Police Station.

2. The offence alleged against the petitioner is under Section 8(2) of the Abkari Act.

3. The prosecution case is that on 18.3.2005, petitioner was found in possession of two bottles containing 500 ml. each of illicit arrack.

4. The petitioner was arrested on 15.8.2007. He was produced before the Judicial First Class Magistrate Court, Nadapuram, and he was remanded to judicial custody.

5. The incident took place on 18.3.2005, and the case was pending as L.P.No.152/2006. The petitioner was absconding. However, taking into account the fact that the quantity of arrack involved is only one litre, I am inclined to take a lenient view.

6. The petitioner shall be released on bail, on his executing a bond for Rs.25,000/= (Rupees Twenty Five Thousand only), with two solvent sureties, for the like amount, to the satisfaction of the Judicial First Class Magistrate Court, Nadapuram.

Bail application is allowed as above.

**K.T.SANKARAN,
JUDGE**

nj.