

Kerala High Court

Praveen @ Chakkara vs State Of Kerala on 14 July, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 4196 of 2010()

1. PRAVEEN @ CHAKKARA,
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED VIA
... Respondent

2. EXCISE INSPECTOR, EXCISE RANGE OFFICE,

For Petitioner :SRI.R.GOPAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MRS. Justice K.HEMA

Dated :14/07/2010

O R D E R

K.HEMA, J.

B.A. No. 4196 of 2010

Dated this the 14th day of July, 2010

O R D E R

Petition for bail.

2. The alleged offence is under Section 55(a) of the Abkari Act. According to prosecution, on getting secret information, a car was intercepted by the excise officials and two persons were found inside the car. On stopping the vehicle, they abandoned the car and escaped. On search of the car, 468 litres of spirit was seized from the car. On investigation, it is revealed that petitioner was using the car, of which petitioner's wife is the R.C. owner.

3. Petitioner was taken into custody in connection with another case and his formal arrest was recorded in this case on 24.05.2010. Learned counsel for petitioner submitted that petitioner is in custody for the past 51 days. He is implicated only as per the statement given by his wife, who is on enemial terms with him, that he was using the vehicle. There is no other evidence to connect the petitioner with the crime and he is not involved in abkari offence. It is also submitted that petitioner is accused only in one more case, which is for offences under Sections 452 and 427 of the Indian Penal Code and in that case, petitioner is on bail. Petitioner is not involved in any abkari offence so far.

4. This petition is opposed. Learned Public Prosecutor submitted that as per the materials in the case diary, petitioner was using the vehicle at the relevant time and the investigation is going on.

5. On hearing both sides, I am not satisfied of the innocence of the petitioner and hence bail cannot be granted in view of Section 41 A of the Abkari Act.

Petition is dismissed.

K. HEMA, JUDGE In