

**IN THE COURT OF THE ADDL. SESSIONS JUDGE-IV, THIRUVANANTHAPURAM**

Present : Smt. Lilly. K., Addl. Sessions Judge-IV.

On Thursday 9<sup>th</sup> June 2022  
19<sup>th</sup> Jyaishta 1944

**CRIMINAL M.C. NO. 1222/2022**

(Crime No. 32/2022 of Thiruvananthapuram Excise Range  
pending before Judicial First Class Magistrate Court-XI,  
Thiruvananthapuram)

***Petitioners:-***

**Noushad Khan**, aged 44 years,  
S/o Mohammed Haneefa,  
Netta Thadatharikathu Veedu,  
Pazhakutty P.O,  
Nedumangad Village.

***(By Adv. S. Y. Mohan Kumar Kiran)***

***Counter Petitioners:-***

- 1 **State of Kerala** represented by the  
*Public Prosecutor,*  
*Thiruvananthapuram.*
- 2 **The Excise Inspector,**  
Thiruvananthapuram Excise Range  
Office.

***(By Adv. R. Praveen Kumar***  
***Addl. Public Prosecutor)***

This Crl.M.C. Petition having been finally heard on  
04.06.2022 and the Court on 09.06.2022 passed the following:-

**ORDER**

Second application for bail filed under Section 439 of the  
Code of Criminal Procedure by the petitioner/ accused in crime

No.32/2022 of Thiruvananthapuram Excise Range registered U/Ss.8(1), 8(2), 67(B) and 55(g) of Kerala Abkari Act.

2. The prosecution case is that the accused was found in possession of 20 litres of arrack in a plastic can in a Motorcycle bearing Reg.No.KL-16-B-3635 at Mukkola – Kudappanakkunnu road on 09.05.2022 at 7.45 Pm. On the basis of his statement, the utensils, gas stove and gas cylinder also were recovered. Accused was arrested and crime No.32/2022 was registered U/Ss.8(1), 8(2), 67(B) and 55(g) of Kerala Abkari Act.

3. According to the petitioner, no seizure memo was produced and as such there is violation of Sec.31 of the Abkari Act and the accused had no conscious or constructive possession of the material objects seized. According to him, the investigation is almost over and he is ready to abide by any conditions.

4. Heard both sides.

5. Records reveal that the first bail application was dismissed on 25.05.2022 as he was involved in two other Abkari cases. The accused is in custody for the last 30 days.

6. Considering the fact that recovery has been effected and the fact that the accused is in custody for the last 30 days, it is found that further detention of the accused in custody is not required. Hence, bail can be granted to the petitioner/ accused on imposing strict conditions.

In the result, the application is allowed, on the following conditions:

- (i) Petitioner/ accused is ordered to be released on bail on executing bond for Rs.50,000/- with two solvent sureties, each for the like-sum to the satisfaction of the Judicial First Class Magistrate's Court – XI, Thiruvananthapuram.
- (ii) Petitioner/ accused shall appear before the investigating officer on all Fridays at 3 Pm until filing of final report.
- (iii) Petitioner/ accused shall not threaten the witnesses or get himself involved in any other offence while on bail.

Dictated to the CA., transcribed and typed by her, corrected by me and pronounced in Open Court on this the 9<sup>th</sup> day of June, 2022

*//True Copy//*

*Sd/-*  
**LILLY. K**  
 ADDL. SESSIONS JUDGE-IV  
 By Order  
*Sd/-*

**SHERISTADAR**

*Sreeja Compd:-*

*Copy of Order in*  
*CrI. M.C. No. 1222/2022*  
*Dated: 09.06.2022*