

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I**  
**KAYAMKULAM**

Present: - Smt. Aiswaryarani, Judicial First Class Magistrate

Dated this the 02<sup>nd</sup> day of March, 2026

**CMP.2/26 in CP 17/2026**

- Petitioner/Accused : Aji, Aged 47 years, W/o. Udhayan,  
Akash Bhavanam, Kaduvinal Muri,  
Vallikunnam Village, Mavelikkara  
Taluk.  
(By Adv. N Raphy Raj and Adv.  
Jayakrishnan R)
- Respondent : State represented by Excise Inspector,  
Nooranadu Excise Range in Crime 107/25.  
(By Sri. Arun P, APP Sr. Gr,  
Kayamkulam)
- Offences : U/s. 55(i) of Abkari Act, 1077
- Order : Allowed

This petition having been heard on 02.03.26 and the court delivered the following on the same day.

**ORDER**

Petition seeking bail u/s. 480(1) Bharatiya Nagarika Suraksha Sanhita, 2023.

2. The prosecution case, in brief, is as follows:- On 01.10.2025 at about 12.30 PM the accused was found in possession of 700 milliliters of Indian Made Foreign liquor at Aksah Bhavanam, for the purpose of sale, in contravention of the provisions of the Abkari Act, 1077. Hence the accused committed the aforesaid offences.

3. The counsel for the petitioner submitted that the accused is falsely implicated in this case and that he has not committed the above-said offence.

4. The learned APP opposed the bail stating that it is the grave offence and there is statutory bar in allowing the bail.

5. Heard both sides.

6. The following points arise for consideration:-

Whether the petition is liable to be allowed?

What is the order?

7. **Point No.1:-** The learned counsel for the petitioner submitted that there is no purpose served in the detention of the petitioner as the final report has already been filed.

8. In Sukumary Vs. State of Kerala, 2001 KHC 43. It has been held that the Magistrate court is not barred to grant bail to an accused who is accused of a non bailable offence exclusively triable by a Court of Sessions. Furthermore, in this case, it was held that Section 41 - A of Abkari Act is different in respect of cases pending investigation and cases pending committal proceedings and that when the accused was not arrested and charge sheet has already been laid for committal to the Court of Sessions, the Magistrate is competent to grant bail under certain circumstances.

9. The investigation process is over. Final report has already been filed. There is no purpose served in detaining the petitioner. The Investigating Officer has not sought for custody.

10. Therefore, in light of the above discussion, I am inclined to allow this petition.

11. **Point No.2:-** In the result, the bail application is allowed on the following conditions:

1. *Petitioner shall execute a bond for an amount of ₹50,000/- (Fifty Thousand only) along with two solvent sureties, each of whom shall execute a bond for the like sum.*

2. *Petitioner shall not tamper with the evidence, nor shall he try to induce or intimidate the witnesses in this case.*

3. *Petitioner shall not involve in similar offences during the bail period.*

*( Dictated to CA, typed by her in the office computer, corrected and pronounced by me in the open Court on the 02<sup>nd</sup> day of March, 2026).*

Sd/-

**JUDICIAL FIRST CLASS MAGISTRATE-I**