

IN THE COURT OF THE ADDL. SESSIONS JUDGE-IV
THIRUVANANTHAPURAM
PRESENT: SRI. SUDHAKANTH R, ADDL. SESSIONS JUDGE-IV

Friday, the 10st day of April , 2026/ 20th day of Chathram, 1948

CMP 2/2026 in SC No- 2252/2025
(Crime No. 737/2021 of Attingal Police Station)

Petitioner/Accused No 2 :-

Aneesh aged 46 years
S/o. Sasidharan, Navya Bhavan
Near Bhaskar Colony Palakonam
Keezhattingal Village
Thiruvananthapuram

By Advocates: M Althaf ,Mohammed Anoop M and Basith K J

Counter Petitioners:-

1. The Inspector of Police
Attingal Police Station
2. State of Kerala

By Additional Public Prosecutor Sri. R. Praveen Kumar

This petition coming on for hearing on 10.04.2026 and the court on the same day passed the following :-

Order

1. This is an application filed by the accused No. 2 under Section 483 of the BNSS seeking for an order granting regular bail. Accused 2 in number stand charge sheeted by Inspector of Police, Attingal police station alleging offence under section 8(1) and 8(2) of the Abkari Act.
2. The prosecution case can be summarised as follows:-

On 20/05/2021 at about 17 :10 hours accused were found possessing and carrying arrack having quantity of 1 litre filled in a plastic bottle and transporting the same in an autorickshaw bearing registration KL -16 -X 1314 through the public road passing near the Palliyara temple in Ilamba Village. The offence was detected by the Sub Inspector of Police Attingal police station, while conducting patrol duty. The contraband arrack was seized and accused were arrested on complying with the statutory formalities. Thus the accused alleged to have committed the offence u/s 8(1) and (2) of the Abkari Act.

3. When the final report was filed before the First Class Judicial Magistrate Court-I, Attingal, it was taken on file as CP-80/2021. The petitioner/ accused No.2, who was in judicial custody, later on enlarged on bail on executing bail bond in terms of the order granting bail. Then the petitioner / accused No.2 violating the terms of bail bond absconded. Then his presence was procured before the court on 07/10/2025. As the case was entered in to Long Pending Register, it was renumbered as CP-88/2025. The accused is in judicial custody since the above date.

4. Heard both sides. Learned public Prosecutor opposed the application. The Inspector of Police Attingal Police filed a factual report against granting bail. It is contended in the report that if the petitioner is enlarged on bail there is chance of absconding.

5. Learned counsel for the petitioner submitted that the petitioner is an ordinary lay man and he was unaware of the proceedings in the case as his advocates did not contact him. It is further submitted that the accused is innocent and he has been falsely implicated in the case and he was arrested

while he was traveling in the autorickshaw driven by accused No. 1 for hire and nothing was recovered from his possession.

6. It is true that once bail was granted to the petitioner and he failed to obey the terms of bail bond and absconded. The presence of petitioner was procured while he was in judicial custody in yet another case. Though a report has been filed by the Inspector of Police, Attingal Police station, there is no case in the report that petitioner is having history of involvement in any other offence of similar in nature. Admittedly accused No.1 is also absconded and his presence could not be procured. The report of Forensic Science Laboratory on examining the sample is yet to be received. Considering the quantity of contraband involved, the period of custody and the circumstances of the case, this court is of the considered view that the petitioner can be enlarged on bail on stringent conditions so as to secure his presence and restrict him repeating the offence was similar in nature, while on bail.

In the result the application is allowed on the following terms:-

1. The petitioner shall execute a bail bond for a sum of Rs.75,000/- with two solvent sureties each for like sum. The sureties shall produced their original documents with attested true copy to prove their solvency. It is made clear that one among the sureties shall be a family member or near relatives of the petitioner.
2. The petitioner shall not involve in any other offence of similar in nature during the pendency of this bail failing which the bail bond will automatically be forfeited and cancelled.

3. The petitioner shall make himself available before the court on all posting days and application for exemption for personal appearance will be allowed only under exemptional circumstances to the satisfaction of the court.
4. The petitioner shall not leave the territory of state of kerala without obtaining the prior permission of the court.
5. The petitioner shall surrender his Indian passport before the court in a period of 7 days of his release, if he is not holding an Indian Passport, he shall an affidavit before the court in this regard.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on this the 10th day of April 2026.

**Sudhakanth R,
Addl. Sessions Judge-IV**

(Copies : 4)
Typed by: Manjusha
Compared by :Anupama
F.C.S:

True copy

By Order

SHERISTADAR

Fair Copy of Order in
CMP 2/2026 in SC 2252/2025
Dated:10.04.2026

Order

CMP 2/2026 in SC-2252/2025

Date. 10/04/2026