

IN THE COURT OF SESSIONS, KALPETTA DIVISION

Present :- Sri.Biju.T., Additional Sessions Judge, Mananthavady.

Monday the 19th day of January, 2026
(The 19th day of Pousha, 1947)

CRIMINAL MISCELLANEOUS PETITION No.1/2026
SC 395/2024

Binu Baby, S/o Mathew, Kumarappallil House, Koodalkadavu Bhagam, Payyampally P.O., Payyampally Village, Mananthavady Taluk.	:	Petitioner/ Accused
State of Kerala represented by Excise Inspector, Excise Range Office, Mananthavady through Additional Public Prosecutor, Mananthavady.	:	Respondent/State

This petition is coming on this day for hearing before me in the presence of Sri.Ajith Lal, Advocate for the Petitioner/accused and Sri.Sraddhadaran M.G., Additional Public Prosecutor for the Respondent/State and upon hearing and perusing the petition, the court passed the following:-

ORDER

The petitioner/accused in the case registered as Crime No.91/21 of the Excise Range Office, Mananthavady, has filed this application under Sections 72 and 483 of the Bharatiya Nagarik Suraksha Sanhita (for short “the BNSS”).

2. The offence alleged against the petitioner is U/s.58 of the Kerala Abkari Act.

3. The prosecution case, in brief, is as follows:-

On 03.05.2021 at 9.10 hours, the accused and another were found transporting 6.300 litres of Karnataka made foreign liquor in a motorcycle bearing registration No.KL 72 A 9639, on a public road in front of the Govt. L.P School, Palvelicham in Thrissilery amsom. Thus, the petitioner is alleged to have committed the above said offence.

4. The gist of the petition is as follows:- The petitioner is arrested and produced before the court today. Since the petitioner could not secure his presence before the court, this court issued non-bailable warrant to the petitioner and also issued notice to the sureties. The petitioner was engaged in his coolie work at Kudaku. From there, he was laid up. So he was not in a position to appear before the court. Now, the sureties of the petitioner are present before the court. They are ready to take the petitioner on bail. Since the petitioner was laid up, the non-bailable warrant issued against him may be recalled. Hence, this petition.

5. The learned Additional Public Prosecutor for the State opposed the petition.

6. Heard both sides.

7. The petitioner/accused is arrested and produced before the court today. The petitioner was granted bail once. Subsequently, he appeared before the court almost every day. However, when the case was posted on 27.09.2025 for evidence, he did not secure his presence before this court, and hence the bail bond was cancelled, and a non-bailable warrant was issued against the petitioner.

8. It is submitted that the petitioner went to Kudaku for his coolie work. From there, he was laid up and hence he could not secure his presence before the court on 27.09.2025. So his non-appearance before the court is not willful or deliberate. Today, sureties are present before the court to take him on bail. The reason stated in the petition is sufficient to recall the non-bailable warrant issued against the petitioner. Hence this petition is allowed. The non-bailable warrant issued against the petitioner is hereby recalled, and the petitioner is granted bail on the following conditions:-

1. The petitioner shall execute a bond for
₹1,00,000/- (Rupees One Lakh only) with two
solvent sureties each for the like sum.
2. The petitioner shall not commit any offence while
on bail.

3. The petitioner shall not directly or indirectly make any intimidation, inducement, threat or promise to the witnesses acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 19th day of January, 2026).

ADDITIONAL SESSIONS JUDGE

Typed by: Manuel M.P.

Compared by: Meenakshy C.M.