

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. Syamlal S.R, Additional Sessions Judge – II

Thursday, 5th day of March, 2026/14th Phalguna, 1947

BA No.414/2026

(Crime No.13/2026 of Excise Range Office, Ernakulam)

Petitioner/

Accused:

Shafeeq.N., aged 32 years, S/o.Ummer,
Vellancheri, Pookkattiri, Edayoor,
Malappuram District-676552.

By Adv. Sebin Thomas

Respondent/

Complainant:

State of Kerala represented by Public
Prosecutor, District & Sessions Court,
Ernakulam-682 011.

By Public Prosecutor Sri. Anver Basheer

This petition filed u/s.483 of Bharatiya Nagarik Suraksha Sanhita praying this Court to grant regular bail to the petitioner.

This petition coming on for hearing on 03.03.2026 and the Court on 05.03.2026 passed the following:

ORDER

This application is for bail filed u/s.483 of BNSS by the accused in crime No.13/2026 of Excise Range Office, Ernakulam. The offences alleged against the accused / petitioner are u/s 13 r/w 63, 55(a), 55(i), 67B of Abkari Act.

2. The prosecution case, in brief, is stated as follows:- On 17.02.2026 at 8:30 p.m., in the living room of a flat, the accused was found in possession of

15 litres of Indian Made Foreign liquor and 37.7 litres of beer in the trunk of a car for sale. Therefore, it is alleged that the accused committed the aforesaid offence.

3. The petitioner was arrested on 17.02.2026 and has been in custody since then.

4. The case of the petitioner, in brief, is stated as follows:- The petitioner is absolutely innocent of the allegations levelled against him. He has been falsely implicated in the case without any legal evidence to establish the essential ingredients of the offences alleged against him. The petitioner rented the building on 16.02.2026 for residing there along with his mother. The housewarming ceremony and shifting to the new residence were fixed for 18.02.2026. There is no allegation of any actual sale. Custodial interrogation of the petitioner is not required. The petitioner has no criminal antecedents and is the sole breadwinner of his family. He requested for granting bail.

5. Excise Inspector, Excise Range Office, Ernakulam, has filed a report stating that the investigation is at a preliminary stage. If the accused is released on bail, there is every likelihood of his influencing witnesses, tampering with evidence, and committing similar offences. He requested for the dismissal of the bail application.

6. Heard the counsel for the petitioner and Additional Public Prosecutor.

Points for consideration are:-

1. Is the petitioner entitled to get bail?
2. What is the final order to be passed?

7. **Point No.1:-** The counsel for the petitioner argued that the petitioner may be granted bail since his further custody is not necessary. According to him, the petitioner has been falsely implicated in the case.

8. Additional Public Prosecutor opposed the application on the ground that the offence committed by the petitioner is grievous in nature.

9. The accusation against the petitioner is that he was found in possession of 15 litres of Indian Made Foreign liquor and 37.7 litres of beer. Now there is prima facie material to show that the petitioner was in possession of a huge quantity of liquor. There is no prima facie material to show that the petitioner has been falsely implicated in the case. The report of the Investigating Officer shows that the investigation of the case is at a preliminary stage. Considering the huge quantity of liquor alleged to have been seized from the petitioner, this Court is of the view that the petitioner cannot be released on bail at this early stage of the investigation.

10. In view of Section 41A of the Abkari Act, if the Public Prosecutor opposes the bail application, the Court can grant bail only if it is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offences and that he is not likely to commit any offence while on bail. In this

case, the Additional Public Prosecutor has opposed the bail application. There are no reasonable grounds to believe that the accused is not guilty of the offence alleged against him. Therefore, in view of the embargo under Section 41A of the Abkari Act, the petitioner cannot be granted bail.

11. Considering the above facts and circumstances, it is held that the petitioner is not entitled to bail at this stage.

12. **Point No. 2:-**

In the result, the petition is dismissed.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 5th day of March 2026.

Sd/-
Syamlal S R
Additional Sessions Judge-II

Typed by: Sindhu.S.T.

Comp.by:

BA No.414/2026
Order dated: 05.03.2026