

IN THE COURT OF SESSION, MANJERI DIVISION

Present:- Sri. K Sanilkumar., Sessions Judge

Saturday, the 01st day of November, 2025**CRIMINAL MISCELLANEOUS CASE No.1192/2025****in****Crime No.1168/2025 of Valanchery Police Station****Between:-**

Dhanesh, S/o.Balasubrahmanyam, Variyathodi
House, Painkannur Post, Tirur Taluk, Malappuram,
Malappuram District, Kerala, Pin-679571. } **Petitioner**
Accused

And:-

State of Kerala: Represented by the Inspector of
Police, Valanchery Police Station. } **Respondent**
Complainant

This petition coming on this day for hearing before me in the presence of **Sri.Vishnu A P**, Advocate for the petitioner and of the **Public Prosecutor** for the respondent, the court passed the following:

ORDER

This is an application for regular bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in **Crime No.1168/2025 of Valanchery Police Station**, registered under Section 55 (a) (i) of Abkari Act (1 of 1077).

2. The prosecution case is that at about 11:40 A.M on 25.10.2025, the accused was allegedly found storing 10 Milliliters (Sic.) of Indian Made Foreign Liquor at the Beauty Barber Shop run

by the accused on the 1st floor of the Achikulam Mini Mall in Valancheri town, allegedly for the purpose of sale, in violation of the provisions of Abkari Act. Thus, the accused is alleged to have committed the aforementioned offences.

3. The learned counsel for the petitioner submits that the petitioner is falsely implicated in a grave crime without any basis because of vested interests, and the contraband allegedly seized is not more than 10 Milliliters of Indian Made Foreign Liquor. The learned counsel for the petitioner further submits that there is a general permission under the Abkari Act to hold upto 3 litres of IMFL by an individual for consumption. This being so, the Investigating Officer has entangled the poor accused in an Abkari case for storing the atomic quantity of 10 Milliliters of IMFL.

4. The learned Public Prosecutor concedes the fact that only 10 Milliliter of IMFL was seized from the petitioner. The petitioner has criminal antecedent as C.R.No.956/2025 registered under Section 118(i) of KP Act and Section 6(b) r/w 24 of COTPA Act.

5. This court is inclined to suspect the real motives of the Investigating Officer in entwining the accused who is presumably from a socially and economically disadvantaged section of society in a grave crime. The climatic point of the prosecution narrative is that the bottle with 10 Milliliters IMFL was found in a barber shop, and this court wonders whether the IMFL was being used by the accused, a barber by profession, as an after shave to be applied on his customers. Furthermore, it is beyond the comprehension of this court how the

Investigating Officer believed that 10 Milliliters of IMFL being the total quantity found, samples could be taken from it and processed.

6. It is obvious from the facts of the case that the Investigating Officer over stepped his limits and displayed a zeal which was both excessive and questionable, to set the criminal law in motion and in that process take the accused into custody, and the accused has been in judicial custody for 7 days. Such an incident has no place in the world's greatest democracy, and can happen only in a banana republic. It is highly imperative that the Investigating Officer is sensitized in such matters, particularly in dealing with the disadvantaged sections of society. It is hoped that the higher echelons of the police force will look into the matter.

7. Having considered the fact and the extra ordinary circumstances of keeping a 10 milliliter of IMFL and noting the fact that he has not so far being implicated in any other Abkari case and the fact that the criminal antecedent reported against the petitioner has not much bearing on the present case, this court is of the considered view that the petitioner is to be released on bail by imposing conditions.

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

- 1. The petitioner shall be released on bail on his executing a bond for Rs.10,000/- with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Magistrate.***

2. *The petitioner shall not inter meddle with the evidence or the witnesses.*
3. *The petitioner shall not involve in any other offence, while he is on bail.*
4. *It is made clear that, in the event of violation of any of the above conditions, the Investigating Officer is at liberty to approach the jurisdictional Court, for cancellation of bail.*

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open Court on this, the 01st day of November, 2025.)

Sd/-
Sessions Judge

Typed by: Prasanth M S
Compared by: 1.Sumitha
2.Prasanth M S

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Fair/Copy of Order in Crl.M.C.No.1192/2025
Dated : 01-11-2025
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