



2026:KER:72443

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 22ND DAY OF SEPTEMBER 2026 / 31ST BHADRA, 1948

BAIL APPL. NO. 5439 OF 2026

CRIME NO.154/2026 OF KALPETTA EXCISE CIRCLE OFFICE, WAYANAD

AGAINST THE ORDER DATED IN CR NO.154 OF 2026 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -II, SULTHANBATHERY

PETITIONER/ACCUSED:

ANTO AUGUSTINE
AGED 38 YEARS, SON OF AUGUSTINE M.M.,
FLAT NO.12B, JOY ALUKKAS GOLDEN TOWER, VAZHAKKALA,
ERNAKULAM DISTRICT, KERALA, PIN - 682021

SRI.S.SREEKUMAR (SR.)
SRI.M.P.SHAMEEM AHAMED
SRI.MUHAMMED FIRDOUZ A.V.

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE EXCISE INSPECTOR, EXCISE RANGE
OFFICE, KALPETTA, WAYANAD DISTRICT, PIN - 673121

SRI.RASHEED C.NOORANAD, SPL.GOVERNMENT PLEADER
SMT.LALIZA.T.Y., SENIOR G.P.
SRI.T.ASAF ALI, DGP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.09.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



ORDER

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. The applicant is the accused in Crime No.154/2026 of Excise Range Office, Kalpetta, Wayanad District. The offences alleged are punishable under Sections 55(a), 55(i) and 58 of the Kerala Abkari Act, 1 of 1077.

3. The prosecution case, in short, is that on 16.09.2026 at about 2:45 p.m., the Excise Circle Inspector, Kalpetta, and party conducted a search of a room on the first floor of the building bearing No.10/603 of the Muttill Grama Panchayat, known as "Moongananiyil Veedu", in the Karapuzha area of Muttill South Village, Vythiri Taluk, Wayanad District, and recovered 43.850 litres of Foreign Made Foreign Liquor, 1.224 litres of Foreign Made Foreign Wine, 6.250 litres of KSBC wine, 750 ml of Indian Made Foreign Liquor stated to have been purchased from the canteen and marked "for defence only", and 12.750 litres of a liquid described as containing alcohol.

4. I have heard Sri.S.Sreekumar, the learned Senior Counsel as well as Sri.M.P. Shameem Ahamed, the learned counsel



for the applicant and Sri.T.Asaf Ali, the learned DGP. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to bail. On the other hand, the learned DGP submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on 17.09.2026. The recovery has been effected. The applicant was given on police custody for 24 hours also. Admittedly, the contraband was seized from a building which was owned by the applicant. However, the applicant has raised a specific contention that he has mortgaged the property where the building is situated with the bank while he availed a loan and pursuant to the proceedings initiated by the bank under the SARFAESI Act, 2002, the property was sold in the year 2022 and hence he is not in possession of the building. The applicant relies on Annexure A3 document to substantiate the same. However, the learned DGP,



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relying on the land revenue receipt and also the document issued by the concerned Village Officer, submitted that the property is still in the possession of the applicant. The learned DGP further submitted that all other documents, such as electricity, water, voters' lists, etc., stand in the name of the applicant. Countering the same, the learned counsel for the applicant submitted that even though the ownership has been transferred, in the revenue records, the mutation has not been effected. At any rate, there is a serious dispute regarding the applicant's ownership, possession and occupation over the building from where the contraband was seized. Even though the applicant has criminal antecedents, he is not involved in any other crime of similar nature. For these reasons, I do not find any reason to hold that the continued detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail.

In the result, the application is allowed on the following conditions: -

(i) The applicant shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.



(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE



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APPENDIX OF BAIL APPL. NO. 5439 OF 2026**PETITIONER ANNEXURES**

- Annexure A1** TRUE COPY OF THE CRIME AND OCCURRENCE REPORT IN CRIME NO. 154/2026 OF THE EXCISE RANGE OFFICE, KALPETTA, REGISTERED ON 17.09.2026
- Annexure A2** TRUE COPY OF THE SEIZURE MAHAZAR DATED 16.09.2026 PREPARED BY THE EXCISE CIRCLE INSPECTOR, KALPETTA
- Annexure A3** TRUE COPY OF THE SALE CERTIFICATE DATED 13.09.2022 ISSUED UNDER RULE 9(6) OF THE SECURITY INTEREST (ENFORCEMENT) RULES, 2002 BY THE AUTHORISED OFFICER, STATE BANK OF INDIA, SARB, ERNAKULAM, IN FAVOUR OF SMT. LILLY, W/O. JOSE
- Annexure A4** TRUE COPY OF THE SEARCH WARRANT ISSUED BY THE KALAMASSERY POLICE STATION IN CRIME NO. 734/2026, SHOWING THE PETITIONER'S RESIDENCE AT VAZHAKKALA, ERNAKULAM
- Annexure A5** TRUE COPY OF THE ARREST MEMO AND ARREST INTIMATION DATED 17.09.2026
- Annexure A6** TRUE COPY OF THE ORDER DATED 18.09.2026 IN C.M.P. NO. 01/2026 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, SULTHAN BATHERY
- Annexure A7** TRUE COPY OF THE BUILDING CERTIFICATE DATED 17.09.2026 ISSUED BY MUTTIL GRAMA PANCHAYAT HAVING CERTIFICATE NO-PTBC-09506155-2026
- Annexure A8** COPY OF TITLE DOCUMENT NO. 532/2011 DATED 05.02.2011 REGISTERED BY KALPETTA SRO
- Annexure A9** COPY OF TITLE DOCUMENT NO. 533/2011 DATED 05.02.2011 REGISTERED BY KALPETTA SRO
- Annexure A10** COPY OF THE PRINT OUT OF DOCUMENT SEARCH REPORT OF ANNEXURE A8 DOCUMENT NO. 532/2011
- Annexure A11** COPY OF THE PRINT OUT OF DOCUMENT SEARCH REPORT OF ANNEXURE A9 DOCUMENT NO. 533/2011
- Annexure A12** COPY OF THE SEIZURE MAHAZAR PREPARED BY THE DY. SP, PL SHYJU, CRIME BRANCH, WAYANAD, TEAM MEMBER (SIT) DATED 16.09.2026