FRIDAY, THE 13TH DAY OF NOVEMBER 2026

WA No. 2375 of 2026

STATE OF KERALA, & OTHERS

VS

MAHADEVAN,

ADVS FOR APPELLANT/S:
GOVERNMENT PLEADER

DEVAN RAMACHANDRAN & BASANT BALAJI, JJ.

W.A No.2375 of 2026

Dated this the 13th day of November, 2026

O R D E R

Devan Ramachandran, J

Sri.Mohammed Shah, learned Additional Advocate General, instructed by Sri.Renoy Vincent – learned Government Pleader, explains that Ext.P4 instructions were given because, the Police are finding it difficult to maintain order in the night, on account of the increasing use of drugs and other substances. He insisted that the said instructions are not against the operations of Bar/Permit Rooms until 3 a.m. by Five Star Hotels, as per valid FL3 licence; but only against unrestrained and uncontrolled parties, in which, drugs and other substances find way and are used even openly.

2. Sri.Anand Kalyanakrishnan – learned counsel for the respondent, however, submitted that, as far as his client is concerned, they are fully responsible for the parties; and that they always ensure that every customer/guest walk into it only after being carefully screened and scrutinised for carrying drugs or other substances.

3. We have little doubt that policing in the city, as also in the rest of the State, has to be strong and never wanting.

4. However, prohibition may not always be the best way forward; but rather strict regulation.

5. It is surely for the Police to ensure that law and order is always maintained; and it is on them the citizens rely upon for a good night's sleep, and safe and secure existence.

6. The Police cannot be seen to be enemies, but as partners in everyday life – particularly for citizens who seek peace and order.

7. As far as Ext.P6 instructions of the police go, they seem to be concerned about Unrestrained "parties"; and not consumption of liquor *per se.* Their stand appears to be that some "parties" attract undesirable elements and behaviour; which, often spills out and reflects on the road.

8. Though most of the afore are only general in nature, as of now; we cannot be blind to the ground realities, and require to balance it effectively.

9. Indubitably, the police are enjoined and fully empowered to enforce every measure and step, to rid our State of drugs and substance abuse – be that in the day or night.

10. We therefore, clarify that the directions in the impugned judgment would not stand in the way of the police enforcing law and order through every measure as legally permissible and

necessary. We consequently clarify the order that the declarations, holdings and directions in the impugned judgment would not stand in the way of the police enforcing law and order through every legally necessary and permissible manner, including by maintaining requisite vigil and attention on all deleterious activities, especially drug and substance abuse.

We propose to hear this matter on its merits on 16.11.2026; when both sides will be ready with their respective submissions.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

Sd/-
BASANT BALAJI
JUDGE

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