

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

Monday, the 25th day of September 2023 / 3rd Aswina, 1945
BAIL APPL. NO. 7993 OF 2023

CRIME NO.5/2023 OF ERNAKULAM EXCISE RANGE OFFICE, ERNAKULAM

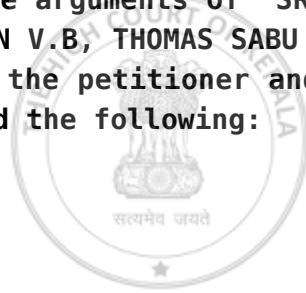
PETITIONERS/NOT AT ARRAYED AS ACCUSED:

LIVIYA JOSE, AGED 21 YEARS, D/O.JOSE V.A, VARAYIL HOUSE, KALADY,
ERNAKULAM DISTRICT, PIN - 683574

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
2. STATE OF KERALA, ASSISTANT EXCISE COMMISSIONER, EXCISE CRIME BRANCH,ZONAL OFFICE, ERNAKULAM-682018

This Bail application coming on for orders upon perusing the petition and upon hearing the arguments of SRI.B.RAMAN PILLAI (SR) along with M/S R.ANIL, SUJESH MENON V.B, THOMAS SABU VADAKEKUT, MAHESH BHANU S & RESSIL LONAN, Advocates for the petitioner and PUBLIC PROSECUTOR for the respondents, the court passed the following:



MOHAMMED NIAS C. P. , J.

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B. A. No. 7993 of 2023

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Dated this the 25th day of September, 2023

ORDER

Earlier, pertaining to the crime, which is the subject matter of this petition as well, this Court, while disposing of CrI. M.C. No. 5327/2023 filed by another accused, recorded the following in its order dated 5.7.2023 evidenced by Annexure 4.

“3. When the case came up for hearing today, the learned Public Prosecutor Sri.M.P.Prasanth submitted a copy of the report filed by the Assistant Excise Commissioner, Excise Crime Branch, Ernakulam before the Sessions Court, Thrissur. In the report, it is stated that on chemical analysis of the alleged contraband seized from the petitioner, it was revealed that it was not LSD stamps as alleged. In these circumstances, the prosecution against the petitioner will not lie.”

2. In the light of the above, there will be a direction to the learned Prosecutor to file a statement in this case as regards the averments made in this Bail Application.

Post on 3.10.2023. The petitioner shall not be arrested till then.

Sd/-
MOHAMMED NIAS C. P.,
JUDGE

MMG