



CRL.M.C. NO. 1298 OF 2026

2026:KER:10903

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 20<sup>TH</sup> DAY OF FEBRUARY 2026 / 1ST PHALGUNA, 1947

CRL.MC NO. 1298 OF 2026

CRIME NO.4/2025 OF VACB, ERNAKULAM, ERNAKULAM

PETITIONER/ACCUSED NO. 1:

UNAIZE AHAMMED  
AGED 49 YEARS  
S/O MUKKTHAR AHAMMED , ELAYEDATH HOUSE,  
PURAKKAD.P.O, ALAPPUHA DISTRICT,  
PIN - 688561

BY ADVS.  
SRI.V.SETHUNATH  
SHRI.THOMAS ABRAHAM (K/1051/2010)  
SHRI.SREEGANESH U.  
SMT.ATHEESHA M.V.

RESPONDENT/STATE/COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO VIGILANCE  
DEPARTMENT, SECRETARIAT,  
THIRUVANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR  
VIGILANCE ANTI-CORRUPTION BUREAU,  
VIKAS BHAVAN, PMG LAW COLLEGE ROAD,  
THIRUVANANTHAPURAM., PIN - 695033



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- 3 THE SUPERINTENDENT OF POLICE, (VIGILANCE & ANTI  
CORRUPTION BUREAU)  
ERNAKULUM UNIT,, 38/2871, CBI RD, NEAR CBI  
OFFICE, KATHRIKADAVU, KALOOR, ERNAKULAM,  
PIN - 682017
  
- 4 THE DEPUTY SUPERINTENDENT OF POLICE (DYSP)  
VIGILANCE & ANTI CORRUPTION BUREAU, ERNAKULUM  
UNIT,, 38/2871, CBI RD, NEAR CBI OFFICE,  
KATHRIKADAVU, KALOOR, ERNAKULAM,  
PIN - 682017

BY SRI. RAJESH, SPEICAL PUBLIC PROSECUTOR  
BY SMT. REKHA S., SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD  
ON 10.02.2026, THE COURT ON 20.02.2026 PASSED THE  
FOLLOWING:



'C.R.'

## **ORDER**

Dated this the 20<sup>th</sup> day of February, 2026

This Crl.M.C. No. 1298/2026 has been filed by the first accused in Crime No. 04/2025/EKM of V.A.C.B, Ernakulam Unit and the prayers herein are to quash the FIR and further proceedings and also to grant such other reliefs in the facts and circumstances of the case.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor in detail. Perused the prosecution records as well as the records produced by the petitioner.

3. In a nut shell, this crime was registered based on Annexure A2 surprise check report, carried out by the Inspector of Police- III, VACB, Ernakulam Unit as on 18.12.2024, acting on a complaint filed by Sri. Amal Krishna B, Manager FL 09 Warehouse, Petta, Thripunithura Branch, dated 18.12.2024.



4. Paragraph Nos. 3 to 9 of the report submitted by the respondent No. 4 speak of the genesis and follow up steps of the case are extracted hereunder:-

"3. A petition was submitted by Amal Krishna B, Manager FL 09 Warehouse, Petta, Tripunithura on 18.12.2024. The petition was acknowledged by my predecessor as per receipt no. 3001/24/EKM. The allegation in the petition is that 1. Shri. Unaize Ahammed, Excise Circle Inspector, KSBC FL-9 Warehouse, Petta, Tripunithura, 2. Shri. Sabu Kuriakose, Excise Preventive Officer, KSBC FL-9 Warehouse, Petta, Tripunithura. 3. Shri. Hareesh H, Civil Excise Officer, KSBC FL-9 Warehouse, Petta, Tripunithura were demanding bribe in the form of IMFL bottles as bribe for issuing permits for transporting load of IMFL bottles on trucks out of KSBC warehouse to retail outlets and bars.

4. On the basis of the petition, as ordered by Director, Vigilance and Anti-Corruption Bureau, a Surprise Check No. 51/2024/EKM was jointly conducted by Sri.Santhoshkumar. V. Asst. Regional Manager, Supplyco Regional Office, Ernakulam and Sri. Ziya Ul Haq, Inspector of Police-III, Vigilance and Anti- Corruption Bureau, Ernakulam Unit, on 18.12.2024. Two bottles of IMFL was recovered from the bag of Shri. Unaize Ahammed, Excise Circle Inspector, KSBC FL-9 Warehouse, Petta, Tripunithura(petitioner herein) and two more bottles of IMFL was recovered from the bottom



portion of the office table used by Shri. Sabu Kuriakose, Excise Preventive Officer, KSBC FL-9 Warehouse, Petta, Tripunithura. Thus, 4 bottles of IMFL were seized. Later it was found that the liquor bottles were issued to a BEVCO outlet for supply.

5. After enquiries and post- verification, Shri. Ziya Ul Haq, Inspector of Police-III, VACB Unit, Ernakulam prepared and submitted Ext.P2 report mentioned in the petition. He reported certain irregularities in the report.

6. An F.I.R was registered on the basis of irregularities found in the Surprise Check as VC No. 04/2025/EKM U/s 7 of the Prevention of Corruption Act. The F.I.R was registered by Sri. N.R. Jayaraj, the then Deputy Superintendent of Police, Vigilance and Anti-Corruption Bureau, Ernakulam Unit on 17.02.2025, against 1. Shri. Unaize Ahammed, Excise Circle Inspector, KSBC FL-9 Warehouse, Petta, Tripunithura, 2. Shri. Sabu Kuriakose, Excise Preventive Officer, KSBC FL-9 Warehouse, Petta, Tripunithura. 3. Shri. Hareesh H, Civil Excise Officer, KSBC FL-9 Warehouse, Petta, Tripunithura.

7. Investigation of the case was entrusted to Sri. Vinod. C, Inspector of Police, Vigilance and Anti-Corruption Bureau, Ernakulam Unit on 17.02.2025 itself.

8. It was mentioned at the preamble part of the report of Surprise Check conducted on 18.12.2024 that the Surprise Check was conducted on the basis of the petition alleging demand of bribe in the form of IMFL bottles by Excise personnel posted at Kerala State Beverage Corporation Warehouse, Tripunithura for issuing



Transport Permit of consignment of loads containing IMFL bottles to various outlets of BEVCO.

9. Due to an inadvertent clerical mistake in the Surprise Check report, date and time was wrongly mentioned as "morning of 22.8.2024 at 02.00 hours". But in the joint inventory prepared by Sri. Santhoshkumar.V, Asst. Regional Manager, Supplyco Regional Office, Ernakulam and Sri. Ziya Ul Haq, Inspector of Police-III, Vigilance and Anti-Corruption Bureau Ernakulam Unit, it was correctly described that the Surprise Check was started at 16.15 hrs on 18.12.2024."

5. It is on this premises the prosecution alleges commission of offence under Section 7 of the Prevention of Corruption (Amendment) Act, 2018 [hereinafter, for short, 'P.C.(Amendment) Act, 2018'] by the accused in the crime.

6. The prime contention raised by the learned counsel for the petitioner is that the entire allegations are baseless. According to him, as per the prosecution allegations, the quantity of the liquors as shown in Annexure A5 were transported from Thripunithura to Palluruthi. As per Serial No. 20 in Annexure A5, 36 bottles



of DDUS Joan of Arc VS Brandy 1000 ml each having hologram Nos.6656584 to 6656619, with green colour, were transported from Thripunithura to Palluruthi as on 18.12.2024. Then the entire quantity of 36 bottles were unloaded at Palluruthi and were entered in the stock register of Palluruthi Foreign Liquor Shop, as could be seen from Annexure A7, item No. 469. Thus, the learned counsel for the petitioner would submit that when the transported items, as per Annexure A5, reached as per Annexure A7, the allegation of the prosecution that two bottles among the same having hologram Nos. 6656610 and 6656609 (in the report while narrating this number, an omission occurred and the number was stated as '665609' and both sides concede the correct number as '6656609') were recovered from the petitioner herein during surprise check is an outright impossibility. According to the learned counsel for the petitioner, Annexure A9 produced by the petitioner, along



CrI.M.AppIn.No.1/2026, would show that the petitioner had filed six reports against the defacto complainant on finding that the old stocks were kept by him without selling the same, after selling the new items, and thereby, loss was sustained to the Government. It is pointed out that, in view of the animosity arose out of these reports, this case has been foisted without support of any material.

7. According to the learned counsel for the petitioner, in this case, there is anomaly in the surprise check, as the same is in violation of the guidelines issued as per G.O.(P) No. 65/92/Vig., dated 12.05.1992, as nobody from the Excise Department was taken assistance of by the Inspector of Police, VACB and therefore, there is procedural irregularity in the surprise check itself to make the same as non-est. It is pointed out further that in order to bring home offences under Sections 7 and 7A of the P.C.(Amendment) Act, 2018, the Investigating Officer



should have to arrange a trap and proceed further to prove the allegations. In the present case, the entire proceedings are abuse of process of Court and in such view of the matter, the prayer for quashing the FIR is liable to be succeeded.

8. Per contra, it is submitted by the learned Special Public Prosecutor that insofar as, Annexure A2 surprise check report is concerned, the Inspector of Police sought assistance of the Regional Manager, Supplyco, Regional Office, Ernakulam, Sri.Santhosh Kumar and he is an officer having acquaintance with the sale of liquor and other procedures and therefore, it could not be said that there is violation of the guidelines issued under G.O.(P) No. 65/92/Vig. dated 12.05.1992. It is specifically pointed out that in this case, two bottles of DDUS Joan of Arc VS Brandy of 1000 ml each, bearing hologram Nos. 6656610 and 6656609 were recovered from the office of the first accused and the staff who has been working in Kerala



Beverages Corporation Limited, Fort Kochi Branch given statement that on getting stock of 36 numbers of DDUS Joan of Arc VS Brandy of 1000 ml each, the Excise Circle Inspector through one Hareesh H., an Excise Official of the Circle Inspector, (It is under this Excise Inspector, Beverages Corporation, Palluruthi Branch situates) met him and demanded that there was a practice of giving liquors to the officers and according to him, on the said premises Hareesh H., demanded two bottles of DDUS Joan of Arc VS Brandy of 1000 ml each to the petitioner and accordingly, two bottles of DDUS Joan of Arc VS Brandy of 1000 ml each having hologram Nos. 6656610 and 6656609 were entrusted to him. It is pointed out that it was thereafter on surprise check, the above brandy bottles were recovered from the office of the petitioner along with two other bottles of other brand. Moreover, the two bottles of DDUS Joan of Arc VS Brandy of 1000 ml each having hologram Nos. 6656606 and 6656608 were



recovered from Sabu Kuriakose, another officer of the Excise and it was found that those bottles of liquor were transported from Thripunithura to Palluruthi. It is pointed out further that, thus the prosecution case is prima facie made out and in this case, quashment of FIR at this stage is liable to fail.

9. On the crux of the matter, it could be seen that on getting a complaint filed by Sri. Amal Krishna B, Manager FL 09 Warehouse, Petta, Thripunithura Branch on 18.12.2024, the Circle Inspector, VACB, conducted a surprise check along with the Assistant Regional Manager, Supplyco, the Regional Office, Ernakulam, Sri. Santhosh Kumar and on search of the office of the first accused, two bottles of DDUS Joan of Arc VS Brandy of 1000 ml each, with hologram Nos. 6656610 and 6656609 were recovered from the petitioner. In this connection, Anoop Antony, who has been working as a staff in Palluruthi, Beverages Corporation Outlet given statement



that these items including two other items were handed over to the petitioner by him. As regards the demand and acceptance of brandy bottles, as alleged in this case, no doubt, the same is an illegal gratification or an undue pecuniary advantage. As per the FIR, it was stated that Brandy bottles were demanded while transporting, but the prosecution records would show that the same were demanded and accepted by the accused including the petitioner, after reloading the same in Palluruthi.

10. Now the question to be considered is, whether for violation of G.O.(P) No. 65/92/Vig. dated 12.05.1992, if any, for the purpose of surprise check or the other reasons urged by the learned counsel for the petitioner, the FIR is liable to be quashed ?. It is true that as per Annexure A9 series, the petitioner lodged six reports against the defacto complainant herein and the allegations were that the petitioner had failed to sell the old stock and thereby, kept the old stock so as to cause



loss to the Government. On tracing the bonafides of this contention, it is perceivable that there is no expiry date for Indian Made Foreign Liquor, and then 'how there would be a loss' even if any failure for selling the old stock. It is noticeable that unopened Indian Made Foreign Liquor (IMFL) like whiskey, rum and vodka generally do not have a formal expiry date and can last for many years if stored properly. Once opened, however, the quality, flavor, and alcohol content may begin to degrade after 1-2 years. It does not become unsafe to drink, but its taste would diminish. Therefore, the report sent by the petitioner lack significance.

11. Coming to Clause 16 of the G.O.(P) No. 65/92/Vig., dated 12.05.1992 which deals with Surprise Check, it states that the Vigilance Department **may** meet an appropriate higher authority of the Department concerned and furnish him with the relevant details and the type of surprise check which is recommended in the



case. The word used is '**may**' and not '**shall**' and therefore, it is not mandatory that the higher authority of the department concerned must be opted by the officer and as done in the instant case, the competent authority can opt other officers for surprise check. Therefore, there are no procedural irregularities in this case. Otherwise mere irrelevant procedural irregularities would not vitiate proceedings unless the same is having an absolute deterrent effect to destroy the prosecution case in toto. Thus, procedural irregularity of the nature alleged is not a ground to quash an FIR without allowing the investigation to reach a logical conclusion, in accordance with law. Similarly, simply for the reason that some reports were filed by the petitioner against the defacto complainant, on earlier point of time, the same would not be reckoned as grounds to treat the complaint in the instant case as a false complaint particularly, when there was red-handed recovery of the transported item from the



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office of the first accused and also from the other accused.

In view of the above discussion, the prayer to quash the FIR is liable to fail. Accordingly, this Crl.M.C. stands dismissed, allowing investigation of the crime.

**SD/-  
A. BADHARUDEEN  
JUDGE**

DCS



APPENDIX OF CRL.MC NO. 1298 OF 2026

PETITIONER'S ANNEXURES

- ANNEXURE A1 THE TRUE COPY OF THE COMPLAINT GIVEN BY THE MANAGER OF THE K.S.B.C FL9 WARE HOUSE
- ANNEXURE A2 THE TRUE COPY OF THE LIGHTNING SURPRISE CHECK REPORT PREPARED BY THE VIGILANCE DATED 18-12-2024
- ANNEXURE A3 BTRUE COPY OF THE F.I.R IN 04/2025/EKM OF V.A.C.B, ERNAKULUM UNIT FOR OFFENCE UNDER SEC. 7 OF THE P.C ACT
- ANNEXURE A4 THE TRUE COPY OF THE LEAVE SANCTION ORDER ISSUED BY THE DEPUTY EXCISE COMMISSIONER , ERNAKULUM DATED 24-12-2024
- ANNEXURE A5 THE TRUE COPY OF THE REPLY ISSUED BY THE EXCISE CIRCLE INSPECTOR , KOCHI ALONG WITH DOCUMENTS SOUGHT UNDER RTI DATED 13-5-2025
- ANNEXURE A6 THE TRUE COPY OF THE RTI APPLICATION GIVEN TO EXCISE CIRCLE INSPECTOR OFFICE, THRIIPPUNITHURA AND RTI REPLY ISSUED DATED 11-03-2025
- ANNEXURE A7 THE TRUE COPY OF THE RTI REPLY DATED 10-4-2025 ALONG WITH STOCK REGISTER ISSUED BY THE DEFACTO COMPLAINANT
- ANNEXURE A8 THE TRUE COPY OF THE SUSPENSION ORDER ISSUED BY THE TAXES DEPARTMENT BASED ON THE DIRECTION FROM THE VIGILANCE DEPARTMENT DATED 28-1-2025
- ANNEXURE A9 THE TRUE COPY OF THE REPLY GIVEN BY THE PUBLIC INFORMATION OFFICER DATED 12-07-2025 ALONG WITH INFORMATION
- ANNEXURE A10 THE TRUE COPY OF THE RELEVANT EXTRACT OF THE STOCK REGISTER AS ON 18-12-2014 & 19-12-2024