

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Bail Appl..No.8890 of 2014

CRIME NO.62/2014 OF BADIADKA EXCISE RANGE OFFICE,KASARGOD

PETITIONER/ACCUSED:

**MAHALINGA BHAIRA,AGED 46 YEARS,
S/O.RAMA BHARIA,R/A.PALLATHUMoola HOUSE,
PADRE VILLAGE,MANJEHWAR TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
THROUGH THE EXCISE INSPECTOR,
BADIADKA EXCISE RANGE,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM**

BY PUBLIC PROSECUTOR SMT.R.REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.8890 of 2014

.....
Dated this the 30th day of December, 2014

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.62/2014 of the Badiadka Excise Range, Kasaragod registered for the offence punishable under Section 58 of the Abkari Act.

3. The allegation against the petitioner is that on 13.11.2014 at 5.25 p.m., he was found transporting 72 litres of Indian Made Foreign Liquor, meant for sale at Goa, in contravention of the provisions of the Abkari Act. The petitioner was arrested on 13.11.2014 and thereafter he has been in custody.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor

has opposed the petition. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, this court is the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 02.01.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge