

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.9138 of 2014

O.R NO.80/2014 OF CHITTAR EXCISE RANGE OFFICE,PATHANAMTITTA

PETITIONER/ACCUSED:

**HUSSAIN RAWTHER,AGED 59 YEARS,
S/O.ABDULKHADER,PLAVILA KIZHAKKU HOUSE,
VETTIYAR,THAZHAKKARA VILLAGE,MAVELIKKARA TALUK.**

BY ADV. SRI.V.SETHUNATH

RESPONDENTS/COMPLAINANT/STATE:

- 1. EXCISE INSPECTOR,CHITTAR EXCISE RANGE,
PATHANAMTHITTA DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE 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.9138 of 2014

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

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in O.R. No.80/2014 of the Chittar Excise Range, Pathanamthitta registered for the offences punishable under Sections 9, 55(a) and (i) of the Abkari Act.

3. The allegation against the petitioner and the other accused is that they were found engaged in selling Indian Made Foreign Liquor in contravention of the provisions of the Abkari Act, near Pampa at Sabarimala which is a prohibited area for liquors, and a quantity of 850 ml of IMFL was seized from their possession at 11.30 p.m. on 13.12.2014. The petitioner was arrested on 13.12.2014 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. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. 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 three months or till the filing of the final report in this case, whichever is earlier.

(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

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[True copy]

P.S. to Judge