

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 23 of 2015 ()

CRIME NO. 137/2014 OF HOSDURG EXCISE RANGE, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**S.BIJU, AGED 36 YEARS
S/O.VARGHESE (L), RESIDING AT PUTHANPURAKKAL
GADIKKAL-PUTHOORADUKAM, PANATHADY VILLAGE
VELLARIKUNDU TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI. T. MADHU

RESPONDENT/STATE :

**THE STATE OF KERALA
THROUGH THE EXCISE RANGE OFFICER
HOSDURG EXCISE RANGE, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.23 of 2015

.....
Dated this the 20th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.137/2014 of the Hosdurg Excise Range, Kasaragod registered for the offence punishable under Sections 8(1) and 8(2) of the Abkari Act.

3. The allegation against the petitioner is that on 23.12.2014 at 2 p.m., he was found in possession of 3 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner was arrested on 23.12.2014 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. 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 Tuesdays and Fridays commencing from 27.01.2015 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