

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936**

**Bail Appl..No. 64 of 2015 ()**  
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**CRIME NO. 138/2014 OF HOSDURG EXCISE RANGE , KASARGOD DISTRICT**  
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**PETITIONER/ACCUSED:**  
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**PRAKASHAN K.V., AGED 49 YEARS,  
S/O.KORAN, THAYATHVALAPPU HOUSE, KARUVAKOD,  
PANAYAL VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADV. SRI.K.P.HARISH**

**RESPONDENT(S)/COMPLAINANT & STATE:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.PIN- 682 031.**
- 2. THE EXCISE RANGE OFFICER,  
(CRIME NO.138 OF 2014 OF HOSDURG EXCISE RANGE),  
KASARAGOD DISTRICT. PIN- 671 313.**

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.KEMAL PASHA, J.**

.....  
B.A. No.64 of 2015

.....  
Dated this the 14<sup>th</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.138/2014 of the Hosdurg Excise Range, Kasaragod registered for the offence punishable under Sections 55(i) and 67B of the Abkari Act.

3. The allegation against the petitioner is that on 25.12.2014 at 5.45 hours he was found in possession of one litre of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 25.12.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. 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, and the present stage of investigation, and also the small quantity of contraband involved in this case, I am of 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 Wednesdays and Saturdays commencing from 21.01.2015 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