

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 546 of 2015

CRIME NO. 205/2014 OF KARUNAGAPPALLY EXCISE RANGE OFFICE , KOLLAM

PETITIONER(S)/APPLICANT :

- 1. VISHNU @ UNNI, AGED 25 YEARS,
S/O.RADHAKRISHNAN, VISHNU BHAVANAM, AADHINADU SOUTH,
KOLLAM.**
- 2. BAIJU, AGED 28 YEARS,
S/O.SARASAN, THURUTHIYIL VEDDU, ALAPPAD MURI,
ALAPPAD VILLAGE, KARUNAGAPALLY, KOLLAM.**

BY ADV. SRI.R.RAJESH(PULLIKADA)

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, KARUNAGAPPALLY, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

=====

B.A. No.546 of 2015

=====

Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.205 of 2014 of the Karunagappally Excise Range, registered for the offences punishable under Sections 55(a) and (i) and 67B of the Abkari Act.

3. The allegation against the petitioners is that on 15.12.2014 at 10.45 a.m., they were found transporting 10.500 litres of Indian Made Foreign Liquor, contained in 14 bottles, by a motorbike bearing registration No.KL-23-D-4326, in contravention of the provisions of the Abkari Act. The petitioners have been in custody for the period from 15.12.2014 onwards.

4. Heard learned counsel for the petitioners and the

learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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) Petitioners shall report before the Investigating Officer in between 9 a.m. and 11

a.m. on all Fridays and Tuesdays commencing from 06.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) Petitioners 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

DSV/30/1/15

// True Copy //

PA to Judge