

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 556 of 2015 ()

CRIME NO. 11/2015 OF MAVELIKKARA EXCISE RANGE, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED:

**GOPALAN, AGED 50 YEARS, S/O. RAMAN,
AMBOLIL VEEDU, PALLICKAL EAST MURI,
THEKKEKARA VILLAGE, MAVELIKARA TALUK.**

BY ADV. SRI.VINCENT JOSEPH

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.556 of 2015

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Dated this the 9th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.11/2015 of the Mavelikara Excise Range, Alappuzha 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 13.01.2015 at 8.30 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 13.01.2015 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.

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, the absence of any criminal antecedents on his part, and 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 Mondays and Thursdays commencing from 16.02.2015 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