

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

**PRESENT:**

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

**FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936**

**Bail Appl..No. 568 of 2015**  
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**CRIME NO. 6/2015 OF SASTHAMCOTTAH EXCISE RANGE OFFICE , KOLLAM**  
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**PETITIONER(S)/ACCUSED:**  
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**RAJESH @ AYYAPPAN, AGED 28 YEARS,  
S/O.NADARAJAN, RAJESH BHAVANAM, IDAKKADU MURI  
PORUVAZHY VILLAGE, KUNNATHOOR TALUK  
KOLLAMDISTRICT. KERALA - 690 532.**

**BY ADV. SRI.SOORANAD S.SREEKUMAR**

**RESPONDENT(S)/STATE & COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. EXCISE INSPECTOR  
EXCISE RANGE OFFICE, SASTHAMCOTTA  
KOLLAM DISTRICT - 690 521.**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-02-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**B.KEMAL PASHA, J.**

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B.A. No.568 of 2015

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Dated this the 6<sup>th</sup> day of February, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.6 of 2015 of the Sasthamcotta Excise Range, registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 11.01.2015 at 9.10 a.m., he was found engaged in selling Indian Made Foreign Liquor in contravention of the provisions of the Abkari Act, and a quantity of 13.600 litres of Indian Made Foreign Liquor was seized from his possession. The petitioner has been in custody for the period from 11.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. The 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 absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail on conditions.

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) Petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.02.2015 for a period of three months or till the filing of the final report in this case,

whichever is earlier.

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

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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**

DSV/6/2/15

*// True Copy //*

*PA to Judge*