

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 691 of 2015 ()

CRIME NO.2/2015 OF SASTHAMCOTTA EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/ACCUSED:

**MADHU KUMAR,
S/O PURUSHOTHAMAN, AGED 42 YEARS,
PRANAVAM HOUSE, PORUVAZI VILLAGE,
KUNNATHUR TALUK, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE EXCISE INSPECTOR OF POLICE,
SASTHAMCOTTA EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.691 2015
.....

Dated this the 10th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2/2015 of 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 06.01.2015 at 6.45 p.m., he was found engaged in selling of IMFL in contravention of the provisions of the Abkari Act and on seeing the excise party, he ran away from the spot after leaving the contraband. A quantity of 850 ml. of IMFL was seized from the spot. The petitioner was arrested on 15.01.2015.

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

5. It has come out that he is the accused in Crime

No.92/2014 of Sasthamcotta Excise Range registered for the offence under Section 55(i) of the Abkari Act. In that case also, he had ran away from the spot and, therefore, he could not be arrested. This is a case in which just 850 ml. of IMFL is involved. Considering the small quantity of the contraband involved and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that the petitioner can be enlarged on bail in this case on strict 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) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 17.02.2015 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)**

aks/10/02

*// True Copy //*

*PA to Judge*