

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl.No. 733 of 2015

CRIME NO. 11/2015 OF MANNARKKAD EXCISE RANGE OFFICE, PALAKKAD

.....

PETITIONER(S)/ACCUSED:

1. JOLLY JOSE, AGED 34 YEARS,
S/O JOSE, KAROTTUKUNNEL HOUSE, MUKKALI,
KALLAMALA, MANNARKKAD, PALAKKAD DISTRICT.
2. NAZER, AGED 45 YEARS,
S/O. TAJUDHEEN, CHOLAYIL HOUSE, MUKKALI
KALLAMALA, MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE AND COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE EXCISE INSPECTOR,
MANNARKKAD EXCISE RANGE, MANNARKKAD,
PALAKKAD DISTRICT, PIN:678 582.

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.733 OF 2015
.....

Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are the accused in Crime No.11/2015 of the Mannarkkad Range Office, Palakkad registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioners is that on 18.01.2015 at 10.45 p.m., they were found transporting 20 litres of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act. The petitioners have been in custody for the period from 18.01.2015 onwards.

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

5. The learned Public Prosecutor has pointed out

that the first petitioner is an accused in Crime No.10/2015 of the Mannarkkad Excise Range registered for the offence punishable under Section 13 read with Section 63 of the Abkari Act. As far as the 2nd petitioner is concerned, there is no criminal antecedent on his part. Investigation of this case is practically over. Having regard to the period undergone by the petitioners in custody, I am of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 18.02.2015 for a period of

three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The 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

ul/-

[True copy]

P.S. to Judge