

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No.754 of 2015

(CRIME NO.125/2015 OF VADAKARA EXCISE RANGE OFFICE,KOZHIKODE)

PETITIONERS:

1. SHIJU,S/O.BALAKRISHNAN,AGED 30 YEARS,
VAZHE KOYILOTH HOUSE,PUTHUPPANA DESOM,
NADAKKUMTHAZA VILLAGE,VADAKARA THALUK.
2. PRADEEP KUMAR,S/O.GOPALAN,AGED 59 YEARS,
PUTHANPURAYIL HOUSE,MUTTUNGAL VILLAGE,
MUTTUNGAL DESOM,VADAKARA THALUK.

**BY ADVS.SRI.A.SUDHI VASUDEVAN
SMT.K.PUSHPAVATHI
SRI.R.SYLESHWAREN NAIR
SRI.JOSE JONES JOSEPH**

RESPONDENTS:

1. STATE OF KERALA,REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.
2. EXCISE INSPECTOR,VADAKARA EXCISE RANGE-673842.

R1 & R2 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.754 2015
.....

Dated this the 20th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.125/2014 of Vadakara Excise Range registered for the offence punishable under Section 57(a) of the Abkari Act.

3. According to the Investigating Officer, on 28.11.2014 at 4.30 p.m., he collected samples from the toddy shop of the petitioners, and when those samples were subjected to chemical analysis, it was revealed that one of the samples contained starch.

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

5. It seems that one of the samples contained starch. At the same time, no noxious substances were found in the sample. It does not reveal any serious offence

against the petitioners. Considering all the above, I am satisfied that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Fridays and Tuesdays commencing from 27.02.2015 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)**

aks/20/02

*// True Copy //*

*PA to Judge*