

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No.958 of 2015

(CRIME NO. 11/2015 OF KARUNAGAPPALLY EXCISE RANGE OFFICE,KOLLAM).

PETITIONER/ACCUSED:

**UTHAMAN,S/O.VELUTHAKUNJU,AGED 50 YEARS,
ARCHA BHAVANAM,MANAPPALLY SOUTH MURI,
PAVUMPA VILLAGE,KARUNAGAPPALLY.**

BY ADV. SRI.K.SIJU

RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

=====

B.A. No.958 of 2015

=====

Dated this the 24th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.11 of 2015 of the Karunagappally Excise Range, registered for the offences punishable under Sections 8(1) and (2) of the Abkari Act.

3. The allegation against the petitioner is that on 21.01.2015 at 8.20 a.m., he was found engaged in selling liquor in contravention of the provisions of the Abkari Act, and a quantity of 700 ml of coloured arrack was seized from his possession. The petitioner has been in custody for the period from 21.01.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that he is an accused in three other Abkari cases also. At the same time, considering the small quantity of the contraband involved in this case, and having regard to the period undergone by the petitioner in custody and the present stage of the investigation, I am of the view that the petitioner can be enlarged on bail, on conditions, in this case also, as last chance.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.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 Tuesdays and Fridays commencing from 03.03.2015 for a period of six months.

(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/24/2/15

// True Copy //

P.A. To Judge