

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 991 of 2015 ()

CRIME NO. 6/2015 OF NADAPURAM EXCISE RANGE, KOZHIKODE DISTRICT

PETITIONER(S):

1. RAJEEVAN, S/O.RAGHAVAKURUP, AGED 41 YEARS,
RESIDING AT RAJASREE BHAVAN HOUSE,
NANGARATHPEEDIKA, VAYALALAMDESOM,
KODIYERI VILLAGE P.O.,KODIYERI, KANNUR DISTRICT.
2. BINALKUMAR,S/O.NARAYANAN, AGED 29 YEARS,
RESIDING AT KANDOTH HOUSE, NANGARATHPEEDIKA,
VAYALALAMDESOM, KODIYERI VILLAGE P.O.,
KODIYERI, KANNUR DISTRICT.

**BY ADVS.SRI.P.K.RAMKUMAR
SMT.ANITHA MENON**

RESPONDENT(S):

1. EXCISE INSPECTOR NADAPURAM,
P.O. NADAPURAM, KOZHIKODE DISTRICT-673 001.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
AT HIGH COURT OF KERALA, COCHIN- 682 031.

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.991 of 2015
.....

Dated this the 11th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.6/2015 of Nadapuram Excise Range registered for the offences punishable under Sections 58 and 67B of the Abkari Act.

3. The allegation against the petitioners is that on 05.02.2015 at 10.30 a.m., they were found transporting 20 litres of IMFL by motor bike bearing registration No.KL-13T-342, in contravention of the provisions of the Abkari Act. The petitioners have been in custody for the period from 05.02.2015 onwards.

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

5. No criminal antecedents have been reported

against A2. It is reported that A1 is involved in another crime. It seems that the investigation of this case is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioners in custody and the present stage of investigation, I am satisfied 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 each of them 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 18.03.2015 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/11/03

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*PA to Judge*