

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1149 of 2015 ()

CRIME NO. 16/2015 OF PATHANAPURAM EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/ACCUSED:-

**IBRAHIMKUTTY, AGED 64 YEARS,
S/O.HASSAN KHANI RAWTHER, POYKAYIL VEEDU,
KARYARA MURI, VILAKKUDY VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.**

BY ADV. DR.PAULY MATHEW MURICKEN

RESPONDENT/COMPLAINANT:-

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE EXCISE INSPECTOR,
PATHANAPURAM EXCISE RANGE, PUNALUR,
KOLLAM DISTRICT. PIN-691 006**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 1149 of 2015

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Dated this the 6th day of March, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.16/2015 of the Pathanapuram Excise Range, Kollam District, registered for the offence punishable under Section 55(i) of the Kerala Abkari Act.

3. The allegation against the petitioner is that on 07.2.2015 at 5.30 p.m., he was found engaged in selling Indian Made Foreign Liquor in contravention of the provisions of the Abkari Act and a quantity of 1.800 litres of Indian Made Foreign Liquor was seized from his possession. The petitioner has been custody for the period from 07.2.2015 onwards.

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

5. It seems that the investigation is practically over. No criminal antecedents have been reported against the petitioner.

Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be enlarged on bail.

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 am and 11 am on all Fridays and Tuesdays, commencing from 13.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

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