

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

Bail Appl.No. 1243 of 2015

CRIME NO. 32/2015 OF VADAKARA EXCISE RANGE OFFICE, KOZHIKODE
.....

PETITIONER(S)/ACCUSED:

**BABITH LAL, 24 YEARS,
S/O. BALAN, KOLARKANDY MEETHAL HOUSE, CHELIYA DESOM,
CHENGOTTUKAVU VILLAGE, KOYILANDY TALUK,
KOZHIKODE DISTRICT.**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE EXCISE INSPECTOR,
VATAKARA EXCISE RANGE,
KOZHIKODE DISTRICT - 673 101.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1243 of 2015

.....
Dated this the 16th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.32/2015 of the Vatakara Excise Range, Kozhikode registered for the offences punishable under Sections 58 and 67B of the Abkari Act.

3. The allegation against the petitioner is that on 17.02.2015 at 12.45 p.m., he was found transporting 15 litres of Indian Made Foreign Liquor, meant for sale in Pondicherry only, in contravention of the provisions of the Abkari Act. On seeing the excise party, he ran away from the spot, by leaving his motorbike and the contraband. He was arrested on 23.02.2015, and thereafter he has been

in custody.

4. Heard the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. Investigation of this case is practically over. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and in the absence of any criminal antecedents on his part, I am of the view 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 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 23.03.2015 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

ul/-

[True copy]

P.S. to Judge