

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No. 1311 of 2015

CRIME NO. 102/2014 OF MAVELIKARA EXCISE RANGE, ALAPPUZHA DISTRICT.

PETITIONER/ACCUSED:

**MANUKUMAR @ MANIKUTTAN,
AGED 33 YEARS, S/O.SASIDHARAN,
CHATHAMANATHU VEEDU, KATTACHIRA MURI,
BHARANIKAVU VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED THROUGH THE EXCISE INSPECTOR,
MAVELIKARA EXCISE RANGE, ALAPPUZHA DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 032.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.1311 of 2015

.....
Dated this the 18th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.102/2014 of the Mavelikara Excise Range, Alappuzha registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 21.09.2014 at 12.30 p.m. he was found engaged in selling Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act. On seeing the excise party, he ran away from the spot, after leaving the contraband. A quantity of 1.400 litres of IMFL was seized from the spot, which was in the possession of the petitioner. The petitioner has been in custody for the period from 27.02.2015

onwards.

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

5. It is true that the petitioner is involved in another Abkari case also. At the same time, this is a case wherein a small quantity of IMFL is involved. In this case, investigation is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody and the facts and circumstances of this case, 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 Wednesdays and Saturdays commencing from 25.03.2015 for a period of three months.

(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