

**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. 1402 of 2015 ()**

**CRIME NO. 13/2015 OF BEDIDUKA EXCISE RANGE OFFICE , KASARGOD**

**.....**

**PETITIONER/ACCUSED:**

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**SATHYANARAYANA K.M.,  
AGED 45 YEARS,  
S/O LATE KUNHIRAMA MANIYANI,  
R/AT MEENJIPPADAVU VEETIL,  
KUNTAR,  
ADHUR VILLAGE,  
KASARAGOD VILLAGE AND DIST.**

**BY ADV. SRI.S.JIJI**

**RESPONDENT/STATE:**

**-----**

**STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.**

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

**vmr**

**B.KEMAL PASHA, J.**

.....  
B.A. No.1402 of 2015

.....  
Dated this the 18<sup>th</sup> day of March, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.13/2015 of the Badiadka Excise Range, Kasaragod registered for the offences punishable under Sections 58 and 67B of the Abkari Act.

3. The allegation against the petitioner is that on 27.02.2015 at 11.45 p.m., he was found transporting 48 bottles, each containing 180 ml of Indian Made Foreign Liquor, meant for sale in the State of Karnataka only, by an autorickshaw, in contravention of the provisions of the Abkari Act. 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. 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 Wednesdays and Saturdays commencing from 25.03.2015 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