

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Bail Appl..No. 1471 of 2015 ()

**CRIME NO. 19/2015 OF PATHANAPURAM EXCISE RANGE OFFICE,
KOLLAM DISTRICT**

PETITIONER/ACCUSED NO.1:

**NISHAD, AGED 19 YEARS,
S/O. ASHKARUDEEN, KUTTATHIMANNIL VEEDU,
ACHANKOVIL MURI, ARYANKAVU VILLAGE,
PUNALUR TALUK, KOLLAM.**

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THROUGH EXCISE INSPECTOR, PATHANAPURAM RANGE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1471 of 2015

.....
Dated this the 20th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.19/2015 of the Pathanapuram Excise Range, Kollam registered for the offences punishable under Sections 58, 55 (a) and 67B of the Abkari Act.

3. The allegation against the petitioner and the other accused is that on 21.02.2015 at 11.15 p.m. they were found transporting 84 litres of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act, by an autorickshaw bearing Reg.No.KL61-B-288. The petitioner has been in custody from 21.02.2015 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 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 Fridays and Tuesdays commencing from 27.03.2015 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