

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 1565 of 2015 ()

**CRIME NO. 11/2015 OF KUMBLA EXCISE RANGE OFFICE,
KASARGOD DISTRICT**

PETITIONER/ACCUSED :

**ANI @ ANIL KUMAR, AGED 43 YEARS,
S/O. CHANDU B.M., PUSHPA CHANDU NILAYAM VEEDU,
ANGADIPADAVU DESOM, KADAMBAR VILLAGE,
MANJESHWAR TALUK, KASARAGOD**

**BY ADVS.SRI.K.PRAVEEN KUMAR
SMT ANN SUSAN GEORGE**

RESPONDENT/COMPLAINANT/STATE :

- 1. STATION HOUSE OFFICER,
KUMBLA EXCISE RANGE, KASARAGOD - 673121.**
- 2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1565 of 2015

.....
Dated this the 25th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioner is the accused in Crime No.11 of 2015 of the Kumbbla Excise Range, Kasaragode registered for the offences punishable under Sections 58 and 67B of the Abkari Act.

3. The allegation against the petitioner is that on 20.02.2015 at 8.15 a.m., he was found transporting 24 bottles each containing 180 ml of Indian Made Foreign Liquor and 24 bottles each containing 500 ml of beer by Scooter bearing registration No.KA-19-W-7565, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from

20.02.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that the accused is involved in another crime of similar nature. It seems that the investigation of this case 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 present stage of investigation, I am of the view that the petitioner can be enlarged on bail in this case also, as a last chance.

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 01.04.2015 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