

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1699 of 2015 ()

CRIME NO. 10/2015 OF BANDADKA POLICE STATION, KASARGOD DISTRICT

PETITIONER/ACCUSED:

**PUSHPARAJ,
S/O.THYAMPANNA RAI, AGED 33 YEARS,
SOUMYA NIVAS, BETHLAM DESOM,
BANDADKA VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE:

- 1. THE EXCISE INSPECTOR,
BANDADKA EXCISE RANGE-671 541.**
- 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

.....
B.A. No.1699 of 2015

.....
Dated this the 30th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.10/2015 of the Bandadka Excise Range, Kasaragode registered for the offence punishable under Sections 8(1) and (2) and 67(b) of the Abkari Act.

3. The allegation against the petitioner is that on 17.03.2015 at 8.45 p.m., he was found transporting 20 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner has been in custody from 17.03.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The learned Public Prosecutor has pointed out that the investigation of this case is over and final report has already been filed in the matter. No criminal antecedents have been reported against the petitioner. The learned counsel for the petitioner has pointed out that the marriage of the petitioner is scheduled to be held on 05.04.2015. Considering all the above, 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 06.04.2015 for a period of six

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