

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. 1766 of 2015

CRIME NO. 11/2015 OF CHATHANNOOR EXCISE RANGE, KOLLAM

PETITIONER(S)/1ST ACCUSED :

**BABU, AGED 55 YEARS,
S/O.JANARDHANAN, ASANTAZHIKOM HOUSE,
KURUMANDAL CHERRY, PARAVUR, KOLLAM.**

**BY ADVS.SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL)**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE EXCISE INSPECTOR,
CHATHANNOOR EXCISE RANGE, KOLLAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1766 of 2015

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

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.11/2015 of the Chathannoor Excise Range, Kollam registered for the offence punishable under Sections 55(a), (i) and 67(b) of the Abkari Act.

3. The allegation against the petitioner and the other accused is that on 27.02.2015 at 7 p.m., they were found engaged in the sale of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act, and a quantity of 5.500 litres of IMFL was seized from their possession. 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 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 Mondays and Thursdays commencing from 06.04.2015 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