

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl.No. 2268 of 2015

CRIME NO.126/2014 OF MAVELIKKARA EXCISE RANGE, ALAPPUZHA
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PETITIONER(S)/ACCUSED:

**BIJU, AGED 42 YEARS,
S/O.KRISHNANKUTTY, VALILTHARAYIL VEEDU,
EREZHA SOUTH MURI, PERINGALA VILLAGE,
MAVELIKKARA TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE EXCISE RANGE OFFICER,
MAVELIKKARA EXCISE RANGE, ALAPPUZHA DISTRICT.**

BY SENIOR PUBLIC PROSECUTOR SMT.P.P.SAREENA GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

P. UBAID, J.

B.A.No.2268 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein is the accused in Crime No.126/2014 of the Mavelikkara Excise Range, Alappuzha District, registered under Sections 8(1) and 8(2) of the Kerala Abkari Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Judicial First Class Magistrate, Kayamkulam on 17.03.2015. The petitioner has been in judicial custody since 05.03.2015.

2. It is submitted that the petitioner is involved in two other crimes, and he is a person habitually involved in the sale of illicit liquor including arrack.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the

materials including the case diary, I find that the petitioner cannot be now released on bail. I find that the effective investigation is in progress, and that the accused will obstruct the investigation, if he is now released on bail. On a perusal of the case diary, I find that some more important witnesses remain to be questioned by the police, and some more materials remain to be collected as part of investigation. This process will be obstructed if the petitioner is now released. The request for bail will be considered at a later stage when major part of investigation is over.

In the result this application for bail is dismissed.

P. UBAID, JUDGE

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