

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. 2429 of 2015

CRIME NO. 16/2015 OF CHATHANNUR EXCISE RANGE, KOLLAM DISTRICT.
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APPLICANT/ACCUSED:

**PARA NISSAR @ NIZAR, AGED 37 YEARS,
S/O. MUHAMMED KUNJU, SHIBI NIVAS,
THAZHUTHALA DESOM,
ADICHANALLOOR VILLAGE, KOLLAM.**

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

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

mbr/

P. UBAID, J.

Bail Appl. No.2429 of 2015

Dated this the 8th day of May 2015

O R D E R

The petitioner herein is the 1st accused in Crime No.16 of 2015 of the Chathannoor Excise Range office registered under Section 55(a) 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 Sessions Judge, Kollam on 18.04.2015. The petitioner has been in judicial custody since 12.03.2015.

2. The prosecution case is that on 12.03.2015, the petitioner was found possessing a small quantity (800 m.l.) of Indian Made Foreign Liquor for the purpose of illicit sale. He was arrested on the spot and a huge quantity was seized as per the mahazar

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 investigation in

this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material documents. However, the petitioner will have to be directed to report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his executing bond with two solvent sureties for 25,000/- (Rupees twenty five thousand only) each to the satisfaction of the learned Judicial First Class Magistrate, Kollam.

Bail is granted on condition that ;

- a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Thursdays for a period of two months.
- b) The petitioner shall not in any manner influence or intimidate the material witnesses, and

he shall not have any contact with the material witnesses directly or over telephone or otherwise.

c) The petitioner shall not involve in any offence punishable under the Kerala Abkari Act till completion of the trial.

Sd/-
P. UBAID
JUDGE

/ True Copy /

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P.A.To Judge