

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. 2461 of 2015

O.R. NO. 24/2015 OF KONNI EXCISE STATION, PATHANAMTHITTA
.....

PETITIONER(S)/2ND ACCUSED:

**NIHAS, AGED 20 YEARS,
S/O. SHAJAHAN, RIYAS MANZIL, AMBEDKAR COLONY,
MANKODE, PATHIRICKAL MURI, PATHANAPURAM VILLAGE,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.V.A.AJIVAS
SMT.M.MANJU (KADAKKAL)**

RESPONDENT(S)/COMPLAINANT AND STATE:

**STATE OF KERALA,
REPRESENTED BY THE EXCISE RANGE INSPECTOR, KONNI,
PATHANAMTHITTA DISTRICT,
THROUGH THE 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:**

msv/

P.UBAID, J

Bail Appln.No.2461 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner is the 2nd accused in O.R.No24/2015 of Konni Excise Station, Pathanamthitta registered under Sections 55(a) and 55(i) 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, Pathanamthitta. The petitioner has been in judicial custody since 31.03.2015.

2. Prosecution case is that on 31.03.2015, he were found transporting 15 litres of Indian made foreign liquor.

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 properties. 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 after two weeks with two solvent sureties for ₹25,000/- to the satisfaction of the learned Magistrate concerned. 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 leave the jurisdictional limits of the learned Judicial First Class Magistrate for two months.

c) 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.

d) The petitioner will make a security deposit of ₹10,000/- in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

e) The petitioner shall not involve any offence punishable under Kerala Abkari Act, till the conclusion of the trial in this case.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE