

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl.No. 2494 of 2015

C.R. NO. 41/2015 OF PERINTHALMANNA EXCISE RANGE, MALAPPURAM
.....

PETITIONER(S)/ACCUSED 1 TO 3:

1. GOPALAN, AGED 52 YEARS,
S/O.CHAMI, MANALAYA HOUSE, MANALAYA DESOM,
ANAMANGADU VILLAGE, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.
2. SURESHKUMAR, AGED 45 YEARS,
S/O.PANGODAN, KAVUMPURATHU HOUSE, CHERUKARA DESOM,
ELAMKULAM VILLAGE, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.
3. PRAJAN, AGED 44 YEARS,
S/O.SUBRAMANIAN, PEEDIKATHODI HOUSE, ELADU PANCHAYATH,
ELAMKULAM VILLAGE, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY SENIOR PUBLIC PROSECUTOR SRI.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No. 2494 of 2015

Dated this the 12th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused having committed the offence under Sections 56(b) and 57(a) of the Kerala Abkari Act. They conduct a toddy shop. The sample of the toddy taken from the shop revealed that the percentage of ethyl alcohol was 8.22. It is in excess of the permissible limit.

3. Heard. The percentage fixed by the statute is 8.1. But the percentage contained in the sample was 8.22. The difference is only marginal. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

**K. ABRAHAM MATHEW
JUDGE**

DMR/-