

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Bail Appl..No. 2615 of 2015

**CRIME NO. 36/2015 OF PERINTHALMANNA EXCISE RANGE,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED NOS. 1 & 2 :

- 1. BABURAJAN, AGED 40 YEARS,,
S/O.VELU, PALLATHU HOUSE, PALATHODU DESOM,
ELAMKULAM VILLAGE, PERINTHALMANNA TALUK.**
- 2. GANGADHARAN, AGED 48 YEARS,
S/O.NARAYANAN, KOTTAYIL HOUSE, VILAYOOR VILLAGE,
PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No. 2615 of 2015

Dated this the 15th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners conduct a toddy shop. The sample of toddy taken from the shop disclose that the sample contained 8.56 percent of Ethyl Alcohol. It is in excess of the prescribed strength. According to the prosecution, they thus committed the offence under Sections 56(b) and 57(a) of the Kerala Abkari Act.

3. Heard.

4. Learned counsel submits that the difference is only marginal. Having regard to this fact, I am inclined to grant the prayer.

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/-