

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Bail Appl..No.3397 of 2015

**CRIME NO.35/2015 OF ARYANAD EXCISE RANGE OFFICE,
THIRUVANANDAPURAM.**

..

PETITIONER/ACCUSED (IN CUSTODY):

**SIVAN @ MUNDAN,S/O.MADHAVAN,IV/510,
ARYANADU PANCHAYAT,VISHNU NAGAR,
HOUSE BOARD COLONY,THEKKINKALA,
KOTTAKKAKAM MURI,ARYANADU VILLAGE,
NEDUMANGADU,TRIVANDRUM.**

BY ADV.SMT.M.SANTHI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K.HARILAL, J.

.....
B.A.No. 3397 of 2015

.....
Dated this the 18th day of June, 2015

ORDER

This is an application for regular bail under Section 439 of the Code of Criminal Procedure.

2.The petitioner is the sole accused in Crime No.35 of 2015 of the Aryanadu Excise Range, registered for the offences punishable under Section 8(1) and 8(2) of the Kerala Abkari Act, on the allegation that on 23.04.2015 at about 5 p.m., he was found in possession of 29 litres of illicit arrack kept in three plastic cans having a capacity of 10 litres each and in custody and seeks bail.

3.The learned Public Prosecutor submits that, the charge has not been filed so far and he is involved in another case also, if he is released on bail he may commit similar offences.

4.Heard the learned counsel for the petitioner and the learned public prosecutor.

5.Having regard to the facts and circumstances of the case, I find that the petitioner can be released on bail with stringent

conditions. In the result, this bail application is allowed.

- i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court-I, Nedumangad.
- ii. The petitioner shall not involve any similar offences during the pendency of trial.
- iii. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses, who are acquainted with facts and circumstances of the case.
- iv. The petitioner shall appear before the investigating officer as and when required.
- v. If the petitioner violates any of the above conditions, this bail will stand cancelled automatically and in that event the court below on satisfaction of the facts, will be at liberty to proceed against the petitioner, in accordance with law.

Sd/-
K.HARILAL,
JUDGE.

AMV/18/06/

/TRUE COPY/

P.A.TO JUDGE