

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Bail Appl..No. 3460 of 2015 ()

CR. NO. 37/2015 OF MUVATTUPUZHA EXCISE RANGE.

PETITIONER/1ST ACCUSED:

**SELVAN, AGED 44 YEARS,
S/O.KADALKKARA ANDI NADAR,
SARASWATHY VILASAM, MEKKADAMPU P.O.,
VALAKAM P.O., MUVATTUPUZHA.**

BY ADV. SRI.V.PHILIP MATHEW.

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

MARY JOSEPH, J.

B.A. No.3460 of 2015

Dated this the 3rd day of July 2015

O R D E R

Application for bail filed under Sec.439 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.37 of 2015 of the Muvattupuzha Excise Range office registered for the offence punishable under Sec.55(i) of the Kerala Abkari Act. The prosecution allegation against the petitioner was that on 09.06.2015 at 6.50 p.m., the petitioner was found by the Excise Officers consuming Indian Made Foreign Liquor in a public place along with 2nd accused. It is also an allegation that the petitioner was also engaged in the sale of Indian Made Foreign Liquor to the 2nd accused who is his brother. The petitioner was arrested on 09.06.2015 and was remanded to judicial custody on 10.06.2015. In the said circumstance, the crime in question was registered.

3. Heard Sri. V. Philip Mathews, learned counsel appearing for the petitioner and Sri. V.S.

Sreejith, the learned Public Prosecutor appearing for the respondent.

4. I have perused the case diary as well as the report furnished by the respondent.

5. It is submitted by the learned counsel that the petitioner was in custody from 10.06.2015 and the material part of the investigation is over. According to him, only 600 m.l. of Indian Made Foreign Liquor is involved in the matter and there is no basis for the allegation of sale.

6. Learned Public Prosecutor has submitted that three other abkari offenses were also pending against the petitioner and in view of that bail is not liable to be granted to him.

7. 600 m.l. of Indian Made Foreign Liquor is involved in this case. The other abkari offences pending against the petitioner are ;

- a. Cr. No.45/13 under Sec.13 r/w Sec.63 of Abkari Act.
- b. Cr. No.21/14 under Sec.15 r/w Sec.63 of Abkari Act.
- c. Cr. No.1/15 under Sec.13 r/w Sec.63 of Abkari Act.

8. The petitioner was in custody from 10.06.2015. Though it is revealed from the report of the respondent that the investigation of the case is at its initial stage, I cannot see any reason for further detention of the petitioner since the seizure of the contraband has already been effected. The petitioner has already undergone custody for the last 23 days. Further custody of the petitioner will not also make any material difference in the process of investigation. The offences involved in the criminal antecedents reported are not serious ones and are compoundable also. Hence I am inclined to grant the relief.

In the result, the bail application is allowed and the petitioner stands enlarged on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate-I, Muvattupuzha and subject to the conditions laid down herein below.

1. The petitioner shall report before the

Investigating Officer in between 9.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 13th July 2015 for a period of three months or till the filing of the final report in the case in question, whichever is earlier.

2. The petitioner shall not tamper with the evidence or influence the witnesses.

3. The petitioner shall not involve in any offence while on bail.

In case of violation of any of the aforesaid conditions, the respondent is at liberty to move for cancellation of bail.

Sd/-
MARY JOSEPH
JUDGE

/ True Copy /

P.A. To Judge

NS