

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Bail Appl..No. 3597 of 2015

CRIME NO. 39/2015 OF ARYANAD EXCISE RANGE OFFICE , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED (IN CUSTODY):

**BINU, S/O.SIMON, AGED 36 YEARS,
ATTARIKATHU VEEDU, KIZHANGUVILA,
PARUTHIKUZHAY DESOM, UZHAMALAKKAL,
NEDUMANGADU TALUK,
TRIVANDRUM.**

BY ADV. SMT.M.SANTHI

RESPONDENT(S)/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 01-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. HARILAL, J.

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B.A.No. 3597 of 2015

Dated this the 1st day of July, 2015

ORDER

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

2. The petitioner is the accused in Crime No.39 of 2015 of Aryanadu Excise Range, registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 14.05.2015 at about 6.45 a.m. he was found in possession of 600 ml. of Jawan Delux XXX Rum in a bottle having a capacity of one litre, a glass and an amount of Rs.80/- and thereby he committed the offence alleged against him. He was arrested on 14.05.2015 and remanded to judicial custody.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him and he is falsely implicated in the offence without proper

investigation. He is ready to co-operate with the investigation and to abide any of the conditions which may be imposed by this Court while granting bail.

6. The learned Public Prosecutor on instructions submits that he was arrested on 14.05.2015 on the allegation that he was found in possession of 600 ml. of Indian Made Foreign Liquor with a glass and an amount of Rs.80/-.

7. Having regard to the nature and gravity of the offence alleged against him and the present stage of investigation, I find that the petitioner can be released on bail.

Hence, this application will stand allowed on stringent conditions.

- i. *The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate's Court concerned.*
- ii. *The petitioner shall appear before the investigating officer as and when required.*
- iii. *He shall not involve in any similar offences during the course of trial.*
- iv. *He shall not tamper or attempt to tamper with the evidence or influence or try to influence the*

witnesses.

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

DST

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P.A. To Judge