

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Bail Appl..No. 3762 of 2015

AGAINST THE ORDER/JUDGMENT IN CMP 1459/2015 of J.M.F.C.I,
KASARAGOD DATED 16-06-2015.

CRIME NO. 54/2015 OF KASARAGOD EXCISE RANGE OFFICE,
KASARGOD.

PETITIONER/ACCUSED:

GANESHA BHANDARI, AGED 49 YEARS,
S/O.RAMAYYA BHANDARI, NADUMANA VEEDU, MAIPPADI,
SHIRIBAGILU VILLAGE, KASARAGOD TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE:

1. STATION HOUSE OFFICER,
EXCISE RANGE, KASARAGOD-673121.

2. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031

BY PUBLIC PROSECUTORSRI. V.S. SREEJITH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. HARILAL, J.

B.A. No.3762 of 2015

Dated this the 2nd day of July, 2015

ORDER

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

2. The petitioner is the sole accused in Crime No.54 of 2014 of Kasaragod Excise Range, registered for the alleged commission of the offence punishable under Sec.55(a) of the Abkari Act.

3. The allegation is that on 4/6/2015 at 5.30 p.m. the accused was found transiting 30 bottles each containing 180 ml. of Indian Made Foreign Liquor at Shiribagilu Village in Kasaragod. He was arrested on 4/6/2015.

4. The learned counsel for the petitioner submits that he is innocent of the allegation levelled against

him and he is falsely implicated in the crime. The investigation is almost over and the continued detention is not necessary.

5. Per contra, the learned Public Prosecutor submits that the petitioner was found in possession of Indian Made Foreign Liquor, as stated above, and thereby, he has committed the offence punishable under Sec.55(a) of the Abkari Act. He was arrested on 4/6/2015.

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

7. Having regard to the duration of the period in which he had already undergone the pre-trial incarceration, I am of the opinion that bail can be granted to the petitioner on stringent conditions.

8. Therefore, this application is allowed on the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of

the learned Judicial Magistrate of the First Class-I, Kasaragod.

(ii) The petitioner shall report before the Investigating Officer as and when required.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

(iv) The petitioner shall not involve in similar offences during the course of trial.

(v) If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and the learned Magistrate concerned on being satisfied of the said fact, may take steps as are available to him in law.

(K. HARILAL, JUDGE)

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