

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.3765 of 2015

CR NO.66/2015 OF EXCISE RANGE KOTTARAKKARA ,KOLLAM.

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PETITIONER/ACCUSED:

**MANOHARAN PILLAI,AGED 60 YEARS,
S/O.VELU PILLAI,MANESH BHAVAN,
PAINUMMOODU JUNCTION,
KOTTARAKKARA,KOLLAM DISTRICT.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE)
ADVS.SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.VNAIR
SRI.S.VIBHEESHANAN**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,KOCHI-682031.**
- 2. THE EXCISE INSPECTOR,KOTTARAKARA EXCISE RANGE,
KOTTARAKKARA,KOLLAM-691506.**

BY PUBLIC PROSECUTOR SMT.REMA.R

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

pk

K.HARILAL, J.

B.A. No.3765 of 2015

Dated this the 2nd day of July, 2015.

O R D E R

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

2. Petitioner herein is the sole accused in C.R. No.66/2015 of Kottarakara Excise Range registered for the alleged commission of the offence punishable under Section 55(i) of the Abkari Act. The prosecution case is that on 20.6.2015 at 11.45 A.M. the accused was found in possession of two bottles of Indian made foreign liquor having capacity of 500 ml each and another bottle having capacity of 300 ml. Thus, he was found in possession of a total quantity of 1.300 litres of Indian made foreign liquor and thereby committed the offence alleged against him. He was arrested on 20.6.2015 and he is in judicial custody since then.

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

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him and he has been falsely implicated without proper investigation. Now the investigation is practically over and his continued detention is not necessary.

5. The learned Public Prosecutor, on instruction, submits that the petitioner was found in possession of 1.300 litres of Indian made foreign liquor and thereby he has committed the offence alleged against him. He was arrested on 20.6.2015. He apprehends that if the petitioner is released on bail, he may commit the same offence and tamper with the evidence and influence the witnesses.

6. Having regard to the nature and gravity of the offence and the duration of the period in which the petitioner has already undergone pre-trial incarceration, I find that bail can be granted to him. The application is accordingly allowed and the petitioner is granted bail on the following 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-I, Kottarakara.

- ii. The petitioner shall report before the investigating officer as and when required by him.
- iii. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses acquainted with the facts and circumstances of this case.
- 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 shall stand cancelled and the learned Magistrate concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

Sd/-
K. HARILAL, JUDGE

okb.