

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Bail Appl..No. 5187 of 2015 ()

CRIME NO. 58/2015 OF HOSDURG EXCISE RANGE , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**BINUKUMAR M.R, AGED 35 YEARS, S/O M.RAGHAVAN,
RESIDING AT PERUMBI, PANATHADI VILLAGE,
VELLARIKKUNDU TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE:

**THE STATE OF KERALA
THROUGH THE EXCISE INSPECTOR,
HOSDURG EXCISE RANGE, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A. HARIPRASAD, J.

Bail Appl. No.5187 of 2015

Dated this the 1st day of September 2015

O R D E R

Petition filed under Sec.439 Cr.P.C.

2. Petitioner is the accused in Crime No.58 of 2015 of Hosdurg Excise Range registered for the offences under Secs.8(1) and (2) of the Kerala Abkari Act. The prosecution case is that on 08.07.2015 the petitioner was found transporting 4 litres of illicit arrack in a can.

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

4. The prosecution has no case that the petitioner was involved in any other case of a similar nature earlier.

The petitioner has been in custody since 08.07.2015. Considering the stage of investigation, bail is granted to the petitioner with the following strict 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 learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. The learned Magistrate need not insist on solvency certificate, but there must be sufficient documents to reveal the identity and solvency of the sureties.

iv. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday for a period of three months or till the final report is filed whichever is earlier.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge