

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937**

**Bail Appl..No. 5304 of 2015 ()**

**CRIME NO. 97/2012 OF KASARAGOD EXCISE RANGE OFFICE,  
KASARGOD DISTRICT**

**PETITIONER/ACCUSED :**

**P.S.KUMARAN, AGED 54 YEARS,  
S/O.SHANKARAN, POONGATTAYIL HOUSE,  
ERAMANGALAM P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)  
SRI.M.REVIKRISHNAN  
SRI.VIPIN NARAYAN**

**RESPONDENT/COMPLAINANT :**

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

**BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A.HARIPRASAD, J.**

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**B.A No.5304 of 2015**  
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**Dated this the 7<sup>th</sup> day of September, 2015.**

**ORDER**

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.97 of 2012 of Kasaragod Excise Range registered for offence punishable under Section 55(a) of the Abkari Act.

3. Prosecution case, in short, is that on 31-07-2012 the Excise Inspector seized a vehicle bearing registration No.KL 54/A 7551 from a place called Manya Jasds Nagar of Madhur Village and it was found carrying 414.720 litres of Karnataka Made Foreign Liquor. According to the prosecution, the driver of the said vehicle ran away from the spot. The petitioner is implicated in the crime as he was the holder of registration certificate of the vehicle.

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

5. Learned counsel for the petitioner submitted that as early as on 04-04-2012, he had transferred the vehicle to one Kannampurathu Valappil Muhammed Ali by an agreement to assign and possession of the vehicle had been handed over. Copy of the agreement is produced along with the application. It is the submission of the learned counsel for the petitioner that this fact was informed to the Excise Officer on 18-04-2015. Petitioner has no connection with the vehicle. Considering the fact that final report had been filed, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on 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 Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. The petitioner shall appear before the Investigating Officer as and when directed.

4. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-  
**A.HARIPRASAD,**  
**JUDGE.**  
**//True copy//**

**P.A to Judge**

amk