

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5467 of 2015 ()

**CRIME NO. 104/2015 OF KOTTARAKKARA EXCISE RANGE OFFICE,
KOLLAM DISTRICT**

PETITIONER/ACCUSED :

**JOHN YOHANNAN, AGED 45 YEARS,
S/O. YOHANNAN, JINO NIVAS, CHENGAMANADU MURI
MELILA VILLAGE, KOTTARAKARA**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS/COMPLAINANT/STATE :

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

**2. THE EXCISE INSPECTOR,
KOTTARAKARA EXCISE RANGE,
KOTTARAKARA, KOLLAM DISTRICT**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.5467 of 2015

Dated this the 30th day of September, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.104 of 2015 of Kottarakara Excise Range registered for the offence punishable under Section 55(g) of the Abkari Act.

3. Prosecution allegation against the petitioner is that on 23.08.2015 at about 06.10 P.M., the Excise Officers found that the petitioner in possession of 85 liters of wash for the purpose of manufacturing arrack. He was arrested from the spot.

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

5. Leaned Public Prosecutor submitted that the petitioner is not involved in any other offence of similar nature.

6. Investigation has advanced to a considerable extent. He remains in custody from 23.08.2015 onwards.

Hence, I am inclined to grant bail to the petitioner with stringent conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner

interfere or meddle with the investigation.

- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A to Judge