

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Bail Appl..No. 5535 of 2015

**CRIME NO. 121/2015 OF EXCISE RANGE, SULTHAN BATHERY,
WAYANAD DISTRICT**

PETITIONER(S)/PETITIONER/ACCUSED :

**GOPINATHAN V.G., AGED 54 YEARS,
S/O.GOVINDAN, VELLACHIRAYIL HOUSE, KELLAGA,
IRULAM VILLAGE, SULTHAN BATHERY TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.A.V.JAMES

RESPONDENT(S)/RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA,
THROUGH THE EXCISE INSPECTOR,
SULTHAN BATHERY EXCISE RANGE, IN CRIME NO. 121/2015,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.5535 of 2015

Dated this the 22nd day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.121/2015 of Sulthan Bathery Excise Range registered for an offence punishable under Section 8 (1) and (2) of the Abkari Act.

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

4. Prosecution case, in short, is that on 26-08-2015 at about 8.15 a.m., the accused was found in possession of 6 litres of arrack and transporting the same through the public road.

5. He remains in custody from 26-08-2015 onwards. He is not involved in any offence earlier. Considering the quantity involved and the stage of investigation, I find that bail can be granted to the petitioner with following strict conditions :

1. 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 learned Magistrate having jurisdiction.

2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**