

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5727 of 2015 ()

CRIME NO. 227/2015 OF KOLLAM EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/3RD ACCUSED:

**SUNIL KUMAR @ AUTO SUNI,
S/O.UPENDRAN, AGED ABOUT 33 YEARS,
SHINY BHAVAN, VELLIMON P.O.,
PERINAD VILLAGE, CHERUMOOD CHERY,
KOLLAM.**

**BY ADVS.SRI.JOSEPH SEBASTIAN (KOLLAM)
SRI.LIJU. M.P**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE EXCISE INSPECTOR, KOLLAM EXCISE RANGE,
KOLLAM DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A No.5727 of 2015

Dated this the 23rd day of September, 2015.

ORDER

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

2. Petitioner is the third accused in Crime No.227/2015 of Kollam Excise Range registered for offences punishable under Sections 58 and 67B of the Abkari Act.

3. Prosecution case, in short, is that on 26-08-2015 at about 10.00 p.m., the accused persons were found carrying 99 litres of Indian made foreign liquor in a car. First accused allegedly sold the contraband to the third accused.

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

5. Learned counsel for the petitioner submitted that he is innocent of all the allegations. He remains in custody from 03-09-2015 onwards. Learned Public Prosecutor opposed the bail application. Considering 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.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge