

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5886 of 2015 ()

CRIME NO. 45/2015 OF KUMBALA EXCISE RANGE, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**MARAPPA MOOLYA, AGED 50 YEARS
S/O.SITHAPPA MOOLYA, SUNNARA HOUSE, MEENJA VILLAGE
MANJESHWAR TALUK, KASARAGOD.**

**BY ADVS.SRI.K.PRAVEEN KUMAR
SMT.ANN SUSAN GEORGE**

RESPONDENTS/COMPLAINANT/STATE :

- 1. THE STATION HOUSE OFFICER
KUMBLA EXCISE RANGE, KASARAGOD-673 121.**
- 2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.5886 of 2015

Dated this the 29th 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.45 of 2015 of Kumbbla Excise Range registered for the offence punishable under Section 58 of the Abkari Act. The petitioner who was arrested on 04.09.2015 seeks bail.

3. Prosecution allegation against the petitioner is that on 04.09.2015 at 05.30 p.m., he was found importing 2.97 litres of Indian Made Foreign Liquor from Karnataka without any authority.

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

5. Petitioner is in custody from 04.09.2015 onwards. Investigation has advanced to a considerable extent. He is not involved in any other offence .

6. Considering the nature of allegations including the quantity of the contraband seized and the period of

detention, I am inclined to grant bail to the petitioner with the following 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