

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6364 of 2015

CRIME NO. 68/2015 OF CHATHANNOOR EXCISE RANGE, KOLLAM DISTRICT.
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PETITIONER(S)/ACCUSED NO 1 & 2:

- 1. VENU, AGED 45 YEARS, S/O.NEELAMBI,
THONIPPARA LEKSHAM VEEDU COLONY,
EDAYADI CHERRY, BHOOTHAKULAM VILLAGE,
PARAVOOR, KOLLAM.**
- 2. SHAJU, AGED 37 YEARS,
S/O. VIDHYADHARAN, ROADUVILA VEEDU,
EDAYADI CHERRY, BHOOTHAKULAM VILLAGE,
PARAVOOR, KOLLAM.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.**
- 2. THE EXCISE INSPECTOR,
CHATHANNOOR RANGE, KOLLAM (DIST), PIN - 670 537.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.6364 of 2015

Dated this the 15th day of October, 2015

ORDER

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

2. Petitioners are accused Nos.1 and 2 in Crime No.68 of 2015 of Chathanoor Excise Range registered for the offences punishable under Sections 55(i) & (a) and 67 (B) of the Abkari Act.

3. Prosecution allegation is that on 30.09.2015 at about 05.30 P.M., the petitioners were found in possession of 10 liters of IMFL for the purpose of sale.

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

5. Learned counsel for the petitioners submitted that there is no evidence to hold that they were engaged in sale, the possession alleged is also disputed.

6. Leaned Public Prosecutor submitted that the petitioners are not involved in any other offence earlier.

7. 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 petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each 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 petitioners 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 petitioners shall not intimidate or attempt to influence the witnesses.

- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners 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