

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6613 of 2015 ()

CR. NO. 100/2015 OF NILESHWAR EXCISE RANGE, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED:

**KUNHIKRISHNAN, AGED 38 YEARS,
S/O.PUTHARIYAN, ERANCHITTA COLONY,
KANAKAPALLI, BALAL VILLAGE,
VELLARIKUNDU TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR.

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE STATION HOUSE OFFICER,
(CR. NO.100 OF 2015 OF NILESHWAR EXCISE RANGE,
KASARAGOD DISTRICT-671 314).**

BY SR. PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.6613 of 2015

Dated this the 29th day of October, 2015

ORDER

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

2. Petitioner is the accused in Crime No.100 of 2015 of Nileshtar Excise Range registered for the offences punishable under Sections 8(1) & (2) of the Abkari Act.

3. Prosecution allegation against the petitioner is that on 01.10.2015 at about 06.45 p.m., the petitioner was found transporting 5 liters of arrack in violation of the provisions of the Abkari Act. The petitioner was arrested from the spot and ever since he has been in custody.

4. Heard both sides.

5. Learned Public Prosecutor submitted that he is not involved in any other offence earlier.

6. Considering the nature of allegations including the quantity of the contraband seized and the period of detention, and also the fact that the petitioner is the first time offender, 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 ₹1,00,000/- (Rupees one lakh 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 lower court 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 Saturdays 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) The 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