

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Bail Appl..No. 7288 of 2015 ()

CRIME NO. 66/2014 OF MAVELIKKARA EXCISE RANGE.

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PETITIONER/2ND ACCUSED:

**MUJEEB, AGED 33 YEARS,
S/O. MYTHEEN, CHIRAKKAKUDI VEEDU,
VENGOLA PANCHAYATH, WARD NO. V/601,
ALAPRA P.O., VENGOLA VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.K.R.SUNIL.

RESPONDENT/COMPLAINANT:

**THE EXCISE INSPECTOR,
MAVELIKKARA EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7288 of 2015

Dated this the 14th day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Mavelikkara Excise Range Crime No.66 of 2014 registered for offences punishable under Sections 55 (a) and 67B of the Abkari Act. He seeks bail.

3. Prosecution case, in short, is that on 30.06.2014 at 2.00 p.m., the accused was found transporting 4102 litres of spirit in 125 cans, apiece containing 35 litres of contraband. The article was transported in a lorry. The first accused was arrested at the spot. He revealed the complicity of the other accused persons.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is innocent. He has been falsely implicated in the case.

6. Learned Prosecutor opposed the bail application.

Petitioner surrendered on 14.10.2015. Sixty days have been

elapsed. No final report is filed. Hence the following order:

i. Petitioner shall be released on bail on executing a bond for ₹3,00,000/- (Rupees three lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. 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.

iv. Petitioner shall not indulge in any offence while on bail.

v. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

vi. He shall not leave the State of Kerala without the permission of the Magistrate concerned.

vii. He shall surrender his passport forthwith. If he does not have the same, he shall swear to an affidavit to that effect and file it before the Magistrate having jurisdiction.

If any of the above conditions is breached by the

petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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