

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937**

**Bail Appl..No. 7381 of 2015**  
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**CRIME NO. 58/2013 OF CHERPPU EXCISE RANGE OFFICE, TRISSUR**  
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**PETITIONER(S)/ACCUSED:**  
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**BABU, AGED 51 YEARS,  
S/O.VASU, CHERKKARA HOUSE, ARATTUPUZHA PO,  
THRISSUR 680562.**

**BY ADVS.SRI.V.G.ARUN (K/795/2004)  
SRI.ANOOP BHASKAR**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
REPRESENTING THE INSPECTOR OF EXCISE, THRISSUR.**

**BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-11-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**A.HARIPRASAD, J.**

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**B.A.No.7381 of 2015**  
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Dated this the 27<sup>th</sup> day of November, 2015

**ORDER**

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

2. Petitioner is the accused in Crime No.58 of 2013 of Cherpu Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. Prosecution case is that on 01.11.2015 at about 11.00 a.m., the petitioner was found selling Indian Made Foreign Liquor in contravention of the provisions of the Abkari Act. He was arrested from the spot.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner 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, 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 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 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.

AS

Sd/-  
**A.HARIPRASAD, JUDGE.**  
/True Copy/

P.A. To Judge