

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7646 of 2015 ()

CR.NO. 104/2015 OF KODUNGALLUR EXCISE RANGE, TRISSUR DISTRICT

PETITIONERACCUSED :

**JOSE, AGE 32 YEARS
S/O.KOCHUDEVASSY, PALLIPPAT HOUSE,
MADAVANA, ATHANI, ERIYAD.**

**BY ADVS.SRI.P.K.SAJEEV
SRI.P.P.HARRIS**

RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7646 of 2015

Dated this the 9th day of December 2015

ORDER

This is an application filed under Sec.439 Cr.P.C.

2. Petitioner is the accused in Crime No.104 of 2015 of Kodungallur Excise Range registered under Sec.55(i) and 13 read with Sec.63 of the Kerala Abari Act on the allegation that on 24.11.2015 at 3.30 p.m., the petitioner was found in possession of 4 litres of Indian Made Foreign Liquor for the purpose of sale in contravention of the provisions of the Abkari Act. The petitioner was arrested from the spot and ever since he has been in custody.

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

4. Learned Public Prosecutor has no serious objection in allowing this application. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar

nature.

5. Considering the facts and circumstances of the case, including the period of detention of the petitioner and also taking into consideration of the fact that the contraband seized is Indian Made Foreign Liquor, I am inclined to grant bail to the petitioner.

In the result, the bail application stands allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Magistrate and subject to the further condition that the petitioner shall not get involved in any similar offence while he is on bail. The petitioner shall co-operate with the investigation of the case.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

/ True Copy /

NS/09/12/2015

P.A. To Judge