

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. 7695 of 2015

CRIME NO. 132/2015 OF KALPETTA EXCISE RANGE, WAYANAD

PETITIONER(S)/ACCUSED:

**SANTOSH.M.S, AGED 35 YEARS,
S/O.SKARIYA THOMAS, MUNDAKKAL VEEDU, BIBLE LAND POST,
KAVUMMANDAM VILLAGE, VYTHIRI TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANTS & STATE:

**1. EXCISE INSPECTOR,
KALPETTA EXCISE RANGE, WAYANAD DISTRICT.**

**2. STATE OF KERALA,
(REPRESENTED 1 & 2 REPRESENTED
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-PIN 682031).**

BY PUBLIC PROSECUTOR SMT.LALIZA

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

PJ

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7695 of 2015

Dated this the 9th day of December 2015

O R D E R

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

2. Petitioner is the accused in Crime No.132 of 2015 of Kalpetta Excise Range registered under Secs.55(i) and 67B of the Kerala Abkari Act on the allegation that on 22.11.2015 at 10.00 a.m., the petitioner was found in possession of 3 litres of Indian Made Foreign Liquor for the purpose of sale in contravention of the provisions of the Kerala Abkari Act. The petitioner was attested 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. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature.

5. It appears from the case diary that the major part of the investigation as regards the petitioner is almost complete.

6. 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 similar offences while on bail. Needless to state that the petitioner shall co-operate with the investigation.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

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