

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 7834 of 2015 ()

CRIME NO. 90/2015 OF CHADAYAMANGALAM EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/ACCUSED:

**RADHAKRISHNA PILLAI, AGED 55 YEARS,
SON OF ANANDANPILLAI, ANANDA SADAN,
ELAMADU MURI & VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT/STATE :

**THE STATE OF KERALA,
REPRESENTED THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH THE EXCISE INSPECTOR,
CHADAYAMANGALAM RANGE, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT. V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K.P. JYOTHINDRANATH, J.

B.A. No. 7834 of 2015

Dated this the 29th day of December, 2015

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The case of the petitioner is that he is behind the bars in connection with Crime No.90/2015 of Chadayamangalam Excise Range, Kollam District. The allegation is that he committed an offence under Section 55(i) of the Abkari Act. It is the submission that the petitioner was arrested on 26.11.2015.

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

4. The learned Public Prosecutor opposed the application and submitted that this is the third crime registered against the petitioner for the same offence.

5. As per the lower court order, it can be seen that the allegation is that the petitioner was in possession of

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800 ml of Indian Made Foreign Liquor. Surely, in our State, there is no total prohibition. When the allegation is that the petitioner was indulged in selling liquor, it is a matter to be proved after trial, especially, when the quantity allegedly possessed by the petitioner is only 800 ml, which can be possessed without any permit or licence.

Thus, considering the totality of case, the petitioner is granted bail on the following conditions;

- (a)The petitioner shall be released on bail on his executing a bond for ₹10,000/- (Rupees ten 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 learned Magistrate need not insist on solvency certificate, but, other documents can also be perused to find out whether the sureties are solvent or not.

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(c)The petitioner shall appear before the Investigating Officer on all Saturdays in between 10.00 a.m and 11.00 a.m. for three months.

(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)Petitioner shall not, during the period of this bail, get involved in similar offence.

In case any of the above conditions is violated, bail granted to the petitioner hereby is liable to be cancelled, for which, the investigating officer may move application before the Jurisdictional Magistrate.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

bka/29.12.2015

//True copy//

PA to Judge