

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 8111 of 2015

CR. NO. 147/2015 OF KAYAMKULAM EXCISE RANGE OFFICE, ALAPPUZHA

PETITIONER(S)/ACCUSED NOS.1 & 2:

- 1. NIYAS, AGED 33 YEARS,
S/O.ABDUL RASHEED, MANJIPPUZHA VEEDU
CHANGANAKULANGARA MURI, OACHIRA VILLAGE,
KARUNAGAPPALLY TALUK.**
- 2. BABU, AGED 52 YEARS,
S/O.GANGADHARAN, KOCHUPARAMBIL HOUSE, PATHIYOOR EAST,
PATHIYOOR VILLAGE, KARTHIKAPPALLY TALUK.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.8111 of 2015

Dated this the 21st day of December, 2015

ORDER

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

2. Accused 1 and 2 in Crime No.147 of 2015 of Kayamkulam Excise Range registered for offences punishable under Sections 55(a), 57 (a) and 67B of the Abkari Act are the petitioners. They seek bail.

3. Case against the petitioners is that on 17.11.2015 at about 5.10 p.m., the Excise Inspector detected in a search that the accused persons were vending adulterated toddy. Excise party seized 150 ml of liquid having the smell of spirit from the possession of the accused.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the entire allegations against the petitioners are baseless.

6. Learned Prosecutor opposed the bail application. It is submitted that the first accused is involved in another abkari case.

Considering the nature of allegations and the fact that the petitioners are in custody from 17.11.2015, I am of the view that bail can be granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹1,00,000/- (Rupees one lakh 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. Petitioners 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. Petitioners shall not indulge in any offence while on bail.

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

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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