

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8263 of 2015 ()

CRIME NO. 77/2015 OF CHAVAKKAD EXCISE RANGE, TRISSUR DISTRICT

PETITIONER/ACCUSED :

**BIJU
AGED 34 YEARS, S/O. MADHAVAN
NALLUPURAKKAL HOUSE
OORAKAM DESOM, ANNAKARA VILLAGE
CHAVAKKAD TALUK.**

BY ADV. SRI.IEANS C.CHAMAKKALA

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM – 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. RAMAKRISHNAN, J.

B.A.No.8263 of 2015

Dated this the 22nd day of December, 2015

ORDER

Accused in Crime No.77/2015 of Chavakkad Excise Range has filed this application for regular bail under Section 439 of Code of Criminal Procedure.

2. The allegation was that on 03.12.2015 at 12.45 p.m, he was found to be in possession of 1.500 litres of Indian made foreign liquor and found selling the same and thereby he had committed the offence punishable under Section 55 (i) of Abkari Act.

3. Heard the learned counsel for the petitioner as also the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that offence under Section 55(i) is not attracted. He is in jail from 03.12.2015 onwards. The learned Public Prosecutor submitted that if the petitioner is released on bail, he is likely to repeat the same.

5. It is seen from the records that the petitioner was

arrested on 03.12.2015 at 12.45 p.m alongwith 1.500 litres of Indian made foreign liquor. He is in jail from 03.12.2015 onwards. The learned Public Prosecutor had no case that the petitioner has involved in any other crime of similar nature earlier. By this time, he might have understood the gravity of offence and its consequences.

So considering the nature of contraband seized and the period of detention, this Court feels that bail can be granted to the petitioner with some stringent conditions.

The application is allowed with the following conditions.

1. The petitioner shall be released on bail on his executing bond for Rs.25,000/-(Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Judicial First Class Magistrate Court, Chavakkad.
2. The petitioner shall appear before the Investigating Officer on the last Saturday of every month between 9.00 a.m and 10.00 a.m for a period of three months or till final report is filed, whichever is earlier.
3. The petitioner shall appear before the Investigating Officer for the purpose of

interrogation as and when required in connection with the above crime in writing to do so till final report is filed.

4. The petitioner shall not involve in any other crime of similar nature during bail period.

5. The petitioner shall not leave State of Kerala without getting prior permission either from the Judicial First Class Magistrate Court, Chavakkad or from the Court to which, the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

sd/-

**K. RAMAKRISHNAN,
JUDGE**