

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 9036 of 2014 ()

CRIME NO.67/2014 OF EXCISE RANGE OFFICE, KATTAPPANA, IDUKKI DISTRICT

PETITIONER/2ND ACCUSED:

**SIJU P.S, AGED 34 YEARS,S/O SOMAN,
PALAKKULATH HOUSE, CHETTUKUZH KARA,
KARUNAPURAM VILLAGE, UDUMBANCHOLA TALUK.**

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE EXCISE RANGE OFFICER,
EXICSE RANGE OFFICE, KATTAPPANA,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, ALONG WITH BA.NO. 9039/2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

B.KEMAL PASHA, J.

.....
B.A. Nos.9036 & 9039 of 2014
.....

Dated this the 5th day of January, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Petitioners are accused in Crime No.67/2014 of the Kattappana Excise Range, Idukki registered for the offences punishable under Sections 8(1), 8(2) and 55(g) of the Abkari Act.

3. The allegation against the petitioners is that on 03.12.2014 at 2 p.m., they were found keeping in their possession 15 litres of arrack, 20 litres of wash and implements for brewing arrack. The petitioners have been in custody for the period from 04.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor

has opposed the petition. Perused the CD.

5. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, these Bail Applications are allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before

the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 08.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge