

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. 9182 of 2014 ()

CRIME NO. 136/2014 OF EXCISE RANGE, MANANTHAVADY, WAYANAD

PETITIONER/ACCUSED:

**PRASAD, AGED 47 YEARS,
S/O.ULAHANNAN, 49/14, VADAKKEDATH HOUSE,
VALERI P.O., MANANTHAVADY THALUK.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT :

- 1. THE EXCISE RANGE OFFICER,
MANANTHAVADY EXCISE RANGE,
PIN-673 001**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.9182 of 2014
.....

Dated this the 5th day of January, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.136/2014 of Mananthavady Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 21.12.2014 at 6 p.m., he was found engaged in selling IMFL and a quantity of 1.350 litres of IMFL was seized from his possession. The petitioner has been in custody for the period from 21.12.2014 onwards.

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

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this

case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties 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 petitioner 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 petitioner shall not tamper with the evidence or influence witnesses.*

(iii) *The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

(iv) *The petitioner 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)

aks/05/01

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PA to Judge