IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 9199 of 2014 ()

C.R. NO. 67/2014 OF KUMBALA EXCISE RANGE OFFICE, KASARGOD

PETITIONERS/ACCUSED NOS.1 & 2 :
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1. **SATHEESH POOJARI, AGED 38 YEARS,**
   S/O.KUNJAPOOJARI, DERAMPALLAM DESOM, KULOOR VILLAGE,
   MANJESWARAM TALUK, KASARAGOD DISTRICT.

2. **T.JANARDHANAN, AGED 55 YEARS,**
   S/O.MARAPPAPOOJARI, MANJESWARAM VILLAGE,
   MANJESWARAM TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

bp

B. KEMAL PASHA, J.

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B.A. No.9199 of 2014

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Dated this the 9th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in C.R. No.67/2014 of Kumbla Excise Range, Kasaragod District, registered for the offences punishable under Sections 56(b) and 57(a) of the Abkari Act.

3. According to the Investigating Officer, on 29.07.2014, he collected samples from the toddy shop of the petitioners, and when those samples were subjected to chemical analysis, it was revealed that one of the samples contained starch.

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

5. It seems that one of the samples contained starch. At the same time, no noxious substances were

found in the sample. It does not reveal any serious offence against the petitioners. Considering all the above, I am satisfied that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Fridays and Tuesdays commencing from 16.01.2015 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)

aks/09/01

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PA to Judge