

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 9215 of 2014 ()

CRIME NO. 118/2014 OF HOSDURG EXCISE RANGE , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**K.UMESH, AGED 40 YEARS,S/O. KRISHNAN,
KOTTAKKUNNU DESOM, PALLIKKARA VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 150.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO. 118 OF 2014 OF HOSDURG EXCISE RANGE,
KASARAGOD DISTRICT)-671 504.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.9215 of 2014

.....
Dated this the 14th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.118/2014 of the Hosdurg Excise Range, Kasaragod registered for the offence punishable under Section 8(1) and (2) of the Abkari Act.

3. The allegation against the petitioner is that on 14.11.2014 at 6 p.m., he was found in possession of 6 litres of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 14.11.2014 onwards.

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

5. Even though the petitioner has been in custody for the period from 14.11.2014 onwards, final report has not been filed in the matter. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹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 Wednesdays and Saturdays commencing from 21.01.2015 for a period of six months.

(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

ul/-

[True copy]

P.S. to Judge