

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No. 9217 of 2014 ()

CR. NO. 128/2014 OF EXCISE RANGE PAYYANNUR, KANNUR DISTRICT.

PETITIONER/ACCUSED:

KAVUNNUMKATTIL PRASAD,
S/O. SUKUMARAN, AGED 56 YEARS, KANNADIPOYIL,
PERUNTHATTA AMSOM, KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN,
SRI.A.ARUNKUMAR.

RESPONDENTS/RESPONDENTS/STATE:

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1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
 2. THE EXCISE INSPECTOR,
(CR. NO. 128 OF 2014 OF EXCISE RANGE, PAYYANNUR),
KANNUR DISTRICT-670 307.

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

B.KEMAL PASHA, J.

.....
B.A. No.9217 of 2014

.....
Dated this the 8th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in C.R.No.128/2014 of the Payyannur Excise Range, Kannur registered for the offence punishable under Sections 8(1) and 8(2) of the Abkari Act.

3. The allegation against the petitioner is that on 18.12.2014 at 8.15 a.m., he was found in possession of 5 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner was arrested on 18.12.2014 and thereafter he has been in custody.

4. Heard learned counsel for the petitioner 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 petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view 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 ₹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 15.01.2015 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

ul/-

[True copy]

P.S. to Judge