

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

FRIDAY, THE 31ST DECEMBER 2010 / 10TH POUSHA 1932

Bail Appl.No. 8419 of 2010()

(CRIME NO. 48 OF 2010 OF CHERPULASSERY EXCISE RANGE)

PETITIONER/ACCUSED

RAJAN, AGED 39 YEARS, S/O.KRISHNAN,
KADAPPADAM THOTTAPPAYIL VEETIL,
POMBRA DESAM, KARIMPUZHA VILLAGE,
OTTAPALAM, PALAKKAD.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENT(S): STATE & COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
THE EXCISE RANGE OFFICER, CHERPULASSERY
EXCISE RANGE OFFICE, PALAKKAD
(THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM).

BY P.P. SRI. P.A. SALIM

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 31/12/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q. BARKATH ALI, J.

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B.A. No. 8419 of 2010

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Dated this the 31st day of December, 2010

ORDER

This is a bail application filed by the accused in Crime No.48 of 2010 of Cherpulassery Excise Range under section 439 of the Cr.P.C.

2. The allegation against the petitioner is that on December 10, 2010 he was found in possession of 20 litres of toddy and Rs.40/- at Pombra for selling and thereby committed an offence punishable under section 55(i) of the Abkari Act.

3. The petitioner was arrested from the spot and he is in remand thereafter.

4. It is alleged in the petition that the petitioner is innocent of the offence alleged against him and that he is prepared to abide by any conditions that may be imposed by this Court, if released on bail.

5. Heard learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed this petition.

6. For the following reasons, I am inclined to grant bail to petitioner:- Permissible quantity of toddy that can be possessed by a person is 3 litres as seen from S.R.O. No.127/99 dated 5-2-1999, the notification issued by the State Government under sections 10 and 13 of the Abkari Act. The petitioner is in remand from December 10, 2010. onwards. Further the investigation in this case is already over. Therefore, I feel that the petitioner can be released on bail, but subject to conditions.

7. In the result, the petition is allowed. The petitioner shall be released on bail on his executing a bond for Rs.25,000/- with two solvent sureties for like sum each to the satisfaction of the trial court on the following conditions:-

- 1) The petitioner shall report before the Investigating Officer on all Mondays between 10 a.m and 11 a.m.

- 2) The petitioner shall not commit similar offence while on bail.
- 3) Petitioner shall co-operate with the investigation and shall not intimidate the witnesses.
- 4) If the petitioner violates any of the conditions mentioned above, lower court can cancel his bail.

P.Q. BARKATH ALI, JUDGE.

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