

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. 8736 of 2010()

(CRIME NO. 15 OF 2010 OF CHAVAKKAD EXCISE RANGE)

PETITIONER/ACCUSED

MANI, W/O. KRISHNAN THARAYIL VEETIL,
AKALAD DESOM, PUNNAYUR VILLAGE,
CHAVAKKAD THALUK.

BY ADV. SRI.M.PREMCHAND

RESPONDENT(S): COMPLAINANT

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

BY P.P. SRI. C.M.NAZAR

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. 8736 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.15 of 2010 of of Chavakkad Excise Range under section 439 of the Cr.P.C.

2. The allegation against the petitioner is that on May 17, 2010 he was found in possession of 2 litres of Indian Made Foreign Liquor for sale and that thereby committed offences punishable under sections 55(a) & (i) of the Abkari Act.

3. The petitioner was arrested on December 23, 2010 and she is in remand thereafter. The learned Magistrate dismissed her bail application finding that if she was released on bail, she will repeat similar offence.

4. It is alleged in the petition that the petitioner is innocent of the offence alleged against her and that if she is released on bail, she is prepared to abide by any

conditions that may be imposed by this Court.

5. Heard learned counsel for the petitioner and the learned Public Prosecutor. This petition is opposed by the learned Public Prosecutor.

6. The petitioner is a lady aged 50. Further the quantity involved in this case is only 2 litres of Indian Made Foreign Liquor. Permissible quantity of Indian Made Foreign Liquor that can be possessed by a person is 3.5 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. Further, investigation of this case is almost over and main witnesses have already been questioned. 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 her 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 her bail.

P.Q. BARKATH ALI, JUDGE.

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