

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 30TH NOVEMBER 2011 / 9TH AGRAHAYANA 1933

Bail Appl..No. 9652 of 2011()

C.R.NO.132/2011 OF KAYAMKULAM EXCISE RANGE

PETITIONER (S): ACCUSED

SIDHARTHAN, S/O. KRISHNAN,
MAVOLITHEKKATHIL, KANNAMPALLI BHAGAM MURI,
KEERIKAD VILLAGE, KARITHIKAPALLI TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.K.B.ARUNKUMAR

RESPONDENT(S):

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
KAYAMKULAM, ALAPPUZHA DISTRICT, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

PUBLIC PROSECUTOR SRI.R.RENJITH

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 30/11/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A.No.9652 of 2011

Dated this the 30th day of November, 2011

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is the accused in C.R.No.132 of 2011 of Kayamkulam Excise Range.

2. The offence alleged against the petitioner is under Section 55(i) of the Abkari Act.

3. The prosecution case is that on 11.11.2011, the petitioner was found engaged in the sale of Indian made foreign liquor. A quantity of 5.6 litres of Indian made foreign liquor was seized from the possession of the petitioner. The petitioner was arrested on 11.11.2011 and he was remanded to judicial custody.

4. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioner, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioner.

The petitioner shall be released on bail on his executing bond for ₹ 25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Kayamkulam, subject to the following conditions:

- A) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays, till the final report is filed or until further orders;
- B) The petitioner shall appear before the investigating officer for interrogation as and when required;
- C) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- D) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- E) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

**K.T.SANKARAN
JUDGE**