

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 31ST DAY OF MAY 2016/10TH JYAISHTA, 1938**

**Bail Appl..No. 3908 of 2016**  
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**CRIME NO. 68/2016 OF HOSDURG EXCISE RANGE OFFICE, KASARGOD**  
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**PETITIONER(S)/ACCUSED:**  
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**KUNHIRAMAN. P, AGED 47 YEARS,  
S/O.AMBU, PULIKKAL VEEDU,  
ECHIKKANAM, AMBALATHARA VILLAGE,  
KASARAGOD DISTRICT.**

**BY ADVS.SMT.HEMALATHA  
SRI.BINU GEORGE**

**RESPONDENT(S)/STATE:**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SMT.R.REMA**

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 31-05-2016,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**P.UBAID, J.**

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**B.A.No.3908 of 2016**

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Dated this the 31<sup>st</sup> day of May, 2016

**ORDER**

The petitioner herein is the sole accused in Crime No.68 of 2016 of the Hosdurg Excise Range, registered under Section 55(g) of the Abkari Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the Judicial First Class Magistrate Court-I, Hosdurg on 09.05.2016. The petitioner has been in judicial custody since 07.05.2016.

2. The prosecution case is that on 07.05.2016 the petitioner was found possessing 20 litres of wash. He was arrested on the spot, and the quantity of wash was seized by the Excise Inspector as per mahazar.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is

now released, he will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary and the police report, I find that investigation in this case is practically over and that the petitioner can be now released on appropriate conditions. I find that the Investigating Officer has already collected the necessary materials for a prosecution, and I do not find the necessity of continued detention of the petitioner in custody. However, the petitioner will have to be directed to report before the Investigating Officer periodically, to ensure that the remaining part of investigation is not in any manner obstructed. I do not find the possibility of the petitioner committing similar offences, if released at this stage. However, adequate conditions will have to be imposed.

In the result, this application for bail is allowed. The petitioner will be released on bail on his executing a bond with two solvent sureties for ₹40,000/- (Rupees Forty Thousand only) each to the satisfaction of the learned Judicial First Class Magistrate Court-I, Hosdurg. Bail is

granted on condition that;

a. The petitioner shall report before the Investigating Officer(Excise Inspector, Hosdurg Range) between 10.00 am to 11 a.m on all Fridays for a period of two months.

b. The petitioner shall not leave the jurisdictional limits of the Hosdurg Excise Range for two months.

c. The petitioner shall not in any manner influence or intimidate the witnesses and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d. The petitioner shall not involve in any offence punishable under the Kerala Abkari Act till trial of the case is over.

Sd/-

**P.UBAID  
JUDGE**

rkj

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P.A. TO JUDGE