

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Bail Appl..No. 3991 of 2016 ()

CRIME NO. 332/2016 OF CHANDERA POLICE STATION, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED:

**KORAN P.V.,AGED 64 YEARS,
S/O. RAMAN, PILIKKODAN,
IDAKKAYIL, ORIE, PADANNA VILLAGE,
HOSDURG TALUK.**

BY ADV. SRI.A.ARUNKUMAR.

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 018.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.332 OF 2016 OF CHANDERA POLICE STATION,
KASARAGOD DISTRICT- 671 315).**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

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

rs.

P.UBAID, J.

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B.A.No.3991 of 2016

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Dated this the 31st day of May, 2016

ORDER

The petitioner herein is the sole accused in Crime No.332 of 2016 of the Chandra Police Station registered under Section 55(i) 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 06.05.2016, the petitioner was found possessing 3 litres of Indian Made Foreign Liquor contained three bottles of one litre capacity. He was arrested on the spot, and the quantity of liquor was seized by the police as per mahazar. Two bottles of water and also two disposable glasses were also seized along with the quantity of liquor. Ofcourse,

the quantity of liquor does not exceed the permissible limits. Mere possession of such quantity may not be punishable. But the allegation is that the accused possessed that quantity of liquor for the purpose of illicit sale. To substantiate the allegation, the prosecution relies on the seizure of recovery of two bottles of water, and two disposable glasses. Had it been for sale really, more number of disposable glasses would have been found in the possession of the accused, when the quantity of liquor is three litres. Whether the quantity was possessed for sale or other purpose, is a matter for decision on trial.

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

questioned the material witnesses. 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 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 Chandera Police Station 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 under the Kerala Abkari Act till trial of the case is over.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE