

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN

MONDAY, THE 24TH DAY OF DECEMBER 2012/3RD POUSHA 1934

Bail Appl..No. 9564 of 2012 (A)

**CMP.NO.2974/2012 of JUDICIAL MAGISTRTE OF FIRST CLASS COURT
CRIME NO.228/2012 OF SASTHAMCOTTA EXCISE RANGE, KOLLAM DISTRICT**

PETITIONERS/ACCUSED:

**PRASAD, AGED 34 YEARS, S/O.THARAYIL KOCHU CHERUKKAN,
KIZHAKKE VEEDU, ANAYADI MURI, SOORANAD NORTH VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT, KERALA - 690 522.**

BY ADV. SRI.SREEKUMAR S.(SOORANAD)

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. EXCISE INSPECTOR, SASTHAMCOTTA EXCISE RANGE - 690 521
KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-12-2012,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

MJL

N.K. BALAKRISHNAN, J.

B.A. No: 9564 of 2012

Dated this the 24th day of December, 2012

ORDER

The petitioner is the accused in Crime No.228/2012 of Sasthamcotta Excise Range. The offence alleged against him is under section 55(i) of Abkari Act. He has been in custody from 11.12.2012.

2. It is alleged that the petitioner was in possession of 1.150 litres of Indian Made Foreign Liquor for sale. The learned counsel submits that a bare allegation is made to bring the offence under section 55(i) of Abkari Act and that even, according to the prosecution, the petitioner was only in possession of 1.150 litres of Indian Made Foreign Liquor, which is within the permissible limit.

3. Considering the period of detention already undergone by the petitioner and in view of the submission made on behalf of the petitioner that he will abide by any condition that may be imposed on him, the petitioner is granted bail subject to the following conditions:

- (i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties.
- (ii) The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer as

and when required.

- (iii) The petitioner shall surrender his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate.
- (iv) The petitioner will also file an affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (v) The petitioner shall not leave India without the prior permission of the learned Magistrate.

- (vi) The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc.

Sd/-
N.K. BALAKRISHNAN,
JUDGE

//True Copy//

P.A. to Judge

jjj