
(2021) 07 KL CK 0069

High Court Of Kerala

Case No: Bail Appl. No. 5058 Of 2021

Sathyan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: July 5, 2021

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Abkari Act, 1967 - Section 55(a), 55(i)

Hon'ble Judges: K. Haripal, J

Bench: Single Bench

Advocate: V.C.Madhavankutty, Sreeja V

Final Decision: Allowed

Judgement

K. Haripal, J

1. The first accused in crime No.30/2021 of Excise range, Kolazhi, Thrissur district has moved this application under Section 439 of the Cr.P.C.

seeking regular bail. He was arrested on 27.05.2021 after seizing 45 litres of Indian made foreign liquor, which was being transported in a lorry

through the public road. The crime was registered against the petitioner and another alleging offence punishable under section 55(a) and (i) of the

Abkari Act.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The learned counsel for the petitioner submits that he is only a driver; he has no criminal antecedents to his credit. Further, the second accused in

the crime has already been granted bail by the Sessions Court on 30.06.2021.

4. The learned Public Prosecutor also endorses the submission that the petitioner has no criminal antecedents to his credit and that he is in judicial custody from 27.05.2021 onwards.

Having regard to the nature of the offence, it seems that the investigation must have been progressed considerably; continued detention of the

petitioner cannot be insisted upon at this stage. Thus, he shall be released on bail, on the following conditions:-

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the

jurisdictional court;

ii) He shall not try to contact or influence the witnesses or tamper with evidence;

iii) He shall not leave the country without permission of the jurisdictional court;

iv) He shall not involve in any crime during the period on bail;

v) He shall appear before the investigating officer/committal court/trial court as and when required;

vi) He shall strictly abide the various guidelines issued by the State and Central Governments with respect to keeping of social distancing in the wake of Covid 19

pandemic;

vii) If any of the above conditions are violated by the petitioner, the jurisdictional court will be at liberty to cancel the bail in accordance with law.

This bail application is allowed as above.