

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 7th day of November, 2020.

Crl.Misc.Nos.25848/2020

Petitioner:- Smt.R.Manjula,
W/o S.Srinivasa,
Aged about 58 years,
R/a. No.2947/12-E, Service Road,
Opp: Maruti Mandira, Vijayanagar,
Bengaluru 560 040,
CL-9 Licensee, Kiran Bar and
Restaurant.

[By Sri.S.G.M-Advocate]

Vs.

Respondent:- The Deputy Superintendent of
Excise, Sub Division 10, (BUD-05),
Ramamurthy Nagar Range,
Bangalore City

[By Public Prosecutor]

ORDER

This bail petition is filed by the Petitioner under
section-438 of the Cr.P.C., praying for granting an
order of Anticipatory Bail in respect of the offences

alleged under sections-32(1), 32(2)(e), 32(2)(g), 36, 38(A) and 43 of Karnataka Excise Act, 1965, in Crime No.12/2020-21/4003DySE/400307 of the Respondent / Excise Department, Bengaluru.

2. Brief facts of the above bail petition is as under:-

A case in Crime No.12/2020-21/4003DySE/400307 has been registered against the accused persons/ for the offences under sections- 32(1), 32(2)(e), 32(2)(g), 36, 38(A) and 43 of Karnataka Excise Act, 1965 by the Respondent-Excise Department. Petitioner has been falsely implicated in the case. She is very much innocent of the offences alleged, though there is no iota of truth in the allegations made against her. She is a woman and aged. She will not abscond or evade during trial. The petitioner undertakes to abide by the conditions that may be

imposed by this court. On all these grounds, the petitioner has sought for granting an order of Anticipatory Bail to her.

3. The objection filed by the prosecution to the above petition is as under:-

Based on the complaint, a case has been registered in Crime No.12/2020-21/4003DySE/400307 by the Respondent-Excise Department, for the offences under sections-32(1), 32(2) (e), 32(2)(g), 36, 38(A) and 43 of Karnataka Excise Act, 1965 against the accused persons. Accused persons have committed the offences alleged and the offence is punishable with imprisonment for life or death. Investigation is in progress. Petitioner is still absconding. If the petitioner is granted an order of Anticipatory Bail, there is likelihood of petitioner absconding from

trial and obstructing investigation and she may also destroy the evidence and threaten or win over the prosecution witnesses. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the above bail petition.

4. Heard arguments.

5. In the circumstances, the following points arise for determination:

1. Whether the petitioner is entitled to an order of Anticipatory Bail, as sought for?

2. What order?

6. My findings to the above points are under:

Point No.1 :- In the **affirmative**

Point No.2 :- As per final order for the following:

R E A S O N S

7. Point No.1:- Petitioner has produced certified copy of order sheet in Crime No.12/2020-

21/4003DySE/400307, FIR, copy of Form CL-9 in her name, her Aadhar Card. As per the FIR allegation on 21.10.2020 when the Respondent Excise officials conducted inspection at Bar and Restaurant of the petitioner, they found two bottles of Imperial Blue Whiskey which had been filled with Prestige Whiskey of cheaper price, One Mc Dowell whiskey bottle to have been similarly filled and 7 Marpus Brandy bottles to have been filled with cheaper Old Admiral Brandy and thus selling adulterated liquor by putting fake seals. It is stated that Accused No.1 who was an employee of the Bar and Restaurant was arrested at that time. Petitioner is shown as Accused No.2 in the FIR.

8. Petitioner denies FIR allegations and claims that a false case has been registered. She further

claims that she is an aged woman entitled for leniency under section 437(2) of Cr.P.C.

9.In a similar matter in the case of ***Lakshmana Vs. State of Karnataka, represented by Special Police Station Excise Enforcement and Lottery Prohibition Wing***, in Crl. Petition No.6516/2014 and 6517/2014, by Order dtd. 14.11.2011, High Court of Karnataka, granted an order of Anticipatory Bail. As contended, petitioner is a woman who is aged 58 years. Allegations show that actually employee in the Bar and Restaurant has also been arrested. Who has done adulteration is a question and also FIR materials do not show any supportive Forensic reports to justify the allegation that liquor bottles had been filed with cheaper liquor, except for I.Os. own statement. In the circumstances, I am of opinion petitioner may be ordered to be released in the

event of her arrest by granting an order of Anticipatory Bail, by imposing appropriate conditions to ensure that petitioner extends full cooperation to the Investigation and does not threaten or influence any witnesses. Consequently, **point no.1 is answered in the affirmative.**

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail Petition filed under Sec.438 of the Cr.P.C by the Petitioner is **hereby allowed.**

Petitioner is granted an order of anticipatory bail in Crime No. 12/2020-21/4003DySE/400307 of the Respondent-Excise Department,

Bangalore, subject to the following conditions:-

1) Petitioner shall give attendance before the I.O on every alternative Sunday of the month between 10 a.m. and 2 p.m. till the Final Report/Charge sheet is filed or 3 months whichever is earlier.

2) Petitioner shall co-operate with the investigation.

3) Petitioner shall not commit similar offences or any other offences.

4) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

5) In the event of arrest of the petitioner in Crime No. 12/2020-21/4003DySE/400307 of the Respondent Excise Department shall release her on bail on obtaining her personal bond for Rs.1,00,000/- with one surety for like sum.

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me in the open court on this the **7th day of November, 2020**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

(Order pronounced vide separate Order)

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(D.S.VIJAYA KUMAR)
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