



**IN THE COURT OF THE II ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI AT:BELAGAVI**

PRESENT

**SRI. GANGADHARA.K.N., B.A.,LLM.,
II ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI**

Dated this the 17th day of June, 2026

Crl.Misc.No.748/2026

Laxman S/o. Balappa Gujanal
Age: 37 years, Occ: Agriculture,
R/o: # C-51, Mavin Holi, Markandey Nagar,
Santibastwad, Dist. Belagavi.

..Petr/A-6

(By Shri A.H. Gangai, Advocate)

V/s

1) The State of Karnataka,
Rep. by Public Prosecutor, Belagavi
Through Khanapur P.S.

..Respondent

COMMON ORDER

The accused no. 6 in Khanapur PS crime no. 139/2026 registered for the offences punishable under section 5, 25(1AA), 27, 29 and 30 of the BNS, filed the present petition under section 483 of the BNSS by seeking regular bail.

2. **Brief facts of the prosecution case is as under:**

The Khanapur Police have registered the suo moto complaint against him and others, alleging that they have got an intelligence alleging that it is the accused no.1 herein for an unlawful gain, illegally by manufacturing the country-made guns, sold them for public for money. Also alleged that the accused No.1 is allegedly doing the same, from last 2 years and he allegedly sold the country made guns to many people for money. Thus, he committed an offence punishable under Section 5, 25(1AA) and 27 of the Arms Act.

3. But, it is alleged that it is the accused no. 1 in his statement disclosed the facts that he sold the country made gun to the accused no. 2 to 9. Accordingly, even accused nos. 2 to 9 were arrested, and seized in all 8 country made guns. Further, in their statement, allegedly disclosed that as their lands are adjacent to the forest, to keep away the wild animals, to crack fire works they got purchased the country-made guns from the accused no. 1.

4. It is the accused no. 1 allegedly disclosed the fact that he used to purchase the spare parts for preparing the country made guns from the shop of the accused no. 11. Accused no. 1 allegedly disclosed that he used to purchase the spare parts and ammunition from the shop of accused no. 12 where his shop is situated at Belagavi.

5. The petitioner contended that he is an innocent of the offence. He committed no alleged crime. There is a delay in lodging the complaint. The case is one for a statistical purpose. The present petitioner is implicated based on the disclosure statement of the co-accused. Thus, there is no independent and legal admissible material to connect the petitioner into the offences. He is an agriculturist who has no past criminal antecedent. If his further incarceration is continued, that causes irreparable injury and hardship to his life and reputation in the society. Though offences are non-bailable, but they are not punishable with death or imprisonment for life. He is a permanent resident of address shown in cause title, where he has both movable and immovable properties. Thus, there is no

chance of escaping from the jurisdiction of this court. Thus, prays to grant the regular bail by imposing any conditions which may deem fit in the interest of justice of the equity.

6. The learned PP filed objection opposing the applications on the ground that the accused No.1 who without obtaining a license has manufactured country made guns and sold the same to the accused Nos. 2 to 9 for money and in all eight country-made guns have been seized from the custody of the accused Nos. 2 to 9. And even from the custody of the accused No.10, a country-made gun has been seized. The accused No.11 in his bookstall illegally sold the spare parts of gun and also ammunition to the public. In this regard, investigation is under process to find out to whom are all he sold the said particulars. Accused No.12 also though his license period has been expired, he continued to sell the spare parts of the gun and other ammunition to the accused No.1 and they have been seized. The I.O expressed an apprehension that accused Nos. 11 and 12 might have sold said spare parts and ammunition to another person. The investigation is under progress. The offence is

serious in nature, which is a threat to the internal security of the country. If such an act is viewed leniently, that will send the wrong message to the society and that will motivate the people like accused Nos.1, 11 and 12 to continue to commit similar offences. At this stage, if the petitioner is released on bail, he may likely to commit similar offences, he may not co-operate with an investigation agency, he may going to tamper the prosecution materials, thus prays to dismiss the petition.

7. Heard the arguments of the learned counsel for the petitioner and learned Public Prosecutor.

8. Now the following point will arise for my consideration.

Does the petitioner has made out grounds to enlarge him on regular bail as sought in the petitions?

9. My findings to the above noted points are in the **Negative** for the following;

REASONS

10. **Point No.1:** Firstly, based on the intelligence got by the Khanapur police, have got registered suo-motu case against the Accused No.1, where he allegedly manufactured the country made gun and sold the same in favour of the accused Nos. 2 to 10. Among them, the accused No.1 has filed the petition in Crl. Misc. No.767/2026. Some of the purchasers of the gun from whom the I.O has already seized the country made gun have also filed the petition. They are the accused Nos. 2 to 5 have filed Crl. Misc. No.761/2026, accused Nos. 8 to 10 have filed the Crl. Misc No.734/2026 and it is the accused Nos. 11 and 12 have sold the spare parts and ammunition to the above said persons who are also before this Court by filing the petition in Crl. Misc No.742/2026 and 749/2026. The accused No.13 who is fabricator who is also assisted the Accused Nos. 1 to manufacture the gun is also filed the petition in Crl. Misc No. 734/2026.

11. Secondly, the accused No.1 had no licence to manufacture the guns, which itself is serious offence punishable not less than

10 years and up to life imprisonment and purchase and possess of gun without licence is also punishable up to not less than 7 years and up to 14 years and sale of spare parts and ammunition also cognizable offence which is seriously punishable. In that event, the accused No.1 has involved in manufacturing of mass country made guns and sold the various persons. In this regard, the investigation is under progress. The length and breadth of the case is required to be investigated by the I.O without anybody's interference. As such, if the gravity of the case is viewed in leniently, that will send the wrong message to the society, in turn will motivate them to commit the similar offences. If such an incidents are repeated, its only a signal showing that there will be an immeasurable threat to the law and order in the state and country. In that event, it's a loosing an opportunity to curtail such an act at the earliest. And, it's a time to resolve the problems, by nip it in the bud policy.

12. Further, this Court has the serious apprehension that if the act of the petitioner is treated leniently, viewed leisurely, that will be a great set back as that may likely to motivate to commit

the similar offences and he may going to take the commission of such offences very lightly which is a serious concern. In that event, any lenient approach on the persons like him is amounts to compromising on the security of the country. Of course, no doubt the "Bail is Rule, Jail is exception" But, it is settled law that bail is not an absolute, that has to be exercised with all due diligence, the liberty of an individual and security of the country have to be balanced. If that aspects are considered, the gravity of the offence and the rigor of punishment described for commission of such offence and vastness of the case, as the I.O requires to be investigated the depth of the case in a free hand. At this stage, if the petitioner is released on bail, he may going to tamper the prosecution materials or he may not co-operate with the an investigation agency and he may likely to come in the way of the investigation process. In that event, it is too difficult to investigate the case completely and effectively. Thus, this Court felt the petitioner has made out no grounds to grant the regular bail as sought in the petition.

13. Whether the petitioner is the farmer, which do not really matters. Whether he has the prima facie case to grant the bail alone has to be considered. As farmer have no special exemption under law. The gravity of the offence has to be taken into consideration.

14. Firstly, the present petitioner is the purchaser of Gun, from his possession, gun has been seized. Secondly, the bail petitions filed by the similarly placed accused have been rejected by this Court. If he is not aware about the consequences of the purchase of the country made gun without licence from a person who had no authority to manufacture them, it is now the time to send the message and lesson to them to understand the gravity. Thus, this Court felt petitioner has not made out ground to grant the regular bail at this stage. Thus, his petition deserves to be dismissed. Thus, answer the point in the Negative.

15. In the result, I pass the following:

ORDER

The Petition filed by the petitioner/
accused No.6 is hereby dismissed as no
merits.

(Dictated directly on Adalat AI in part and dictated partly to the
Stenographer, corrected by me, then pronounced in the open Court, on this
17th day of June, 2026)

(GANGADHARA.K.N.)
II Addl. Dist Judge, Belagavi.