

KABG420009052026



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc.,L.L.B,
VII Addl. District & Sessions Judge,
Belagavi sitting at Chikodi.

Dated this the day of 15th June, 2026

Crl. Misc.No. 5304/2026

PETITIONER

Shri. Mohan S/o. Subhash Gurav,
Age: 36 years,
Occ: Agriculture/ Business,
R/o: Halakarni, Tq: Gadhinglaj,
Dist: Kolhapur, Maharashtra state.

**[By: Sri. S. S. Shilayyanavarmath,
Advocate]**

v/s.

Respondent:

State by : Hukkeri Range Excise
P.S.

[By: Public Prosecutor]

**ORDERS ON BAIL PETITION FILED BY THE PETITIONER
ACCUSED U/S 482 OF BNSS.**

The petitioner/accused has filed this petition under section 482 of BNSS-2023 seeking anticipatory bail to enlarge him in the event of his arrest in Cr.No.11/2025-2026 of Excise

Police Station, Hukkeri Range, H.Q. Sankeshwar for the offences punishable U/Sec. 14, 15, 32(1), 38-A and 39(2) of Karnataka Excise Act 1965.

2. The gist of the prosecution's case is that on 17.02.2026 at about 10.15 am, the complainant received credible information that the accused/petitioner was possessing and selling the Maharashtra-state liquor "Deshidaru Santra" to the public without a license near the arch gate of U-Khanapur-Halakarani Road within the jurisdiction of Karnataka state. Therefore, the complainant registered the case.

3. In the petition, the petitioner/accused is seeking bail on the grounds that he is innocent of the alleged offences. The complainant never visited the spot to confirm whether the accused having possession and sell the said liquor. The complainant not seized alleged liquor from the accused possession. The respondent police have falsely implicated him and he has no previous bad antecedents. The respondent police are making hectic efforts to arrest him and are

searching his whereabouts, thus there is genuine apprehension that at any moment the petitioner would be arrested and put to untold hardship in such an event the petitioner would be put to great hardship and sufferings. The petitioner is ready and willing to abide by any terms and conditions that may be imposed by this court. For these reasons, the petitioner prayed to allow the petition.

4. On the other hand, the learned public prosecutor has filed an objection and submitted that, investigation is under progress, at this stage, if anticipatory bail is granted to the petitioner there are chances of threatening the witnesses and also absconding, the petitioner has not shown sufficient ground to grant bail. Among other grounds, the learned P.P. has prayed to reject the bail petition.

5. I have heard petitioner counsel and Learned P.P and perused entire case records. The following points that arise for my consideration;-

1. Whether the petitioner/accused has made out a ground to grant anticipatory bail?

2. What order?

6. My answers to the above points are as follows:

Point No.1:- In the Affirmative

Point No.2:- As per final order:

:- REASONS :-

7. **Point No.1:-** At the outset, the respondent Excise police registered the case against petitioner for the alleged offense punishable U/Sec. 14, 15, 32(1), 38-A and 39(2) of Karnataka Excise Act 1965.

8. The aforesaid facts narrated in the FIR prima-facie reveal the offences alleged against the petitioner, which are non-bailable in nature but, they are not punishable either with death sentence or life imprisonment and are triable by Magistrate. The maximum punishment for the aforesaid offence is 5-years imprisonment with fine.

9. In the instant case, the Excise police have not visited the spot and have not confirmed the illegal possession and selling of alleged liquor. The Respondent Police also did not issue Notice U/S.35(3) of BNSS, 2023 to the petitioner

directing him to assist with the investigation. The petitioner, afraid that the Respondent police may arrest him, filed this petition.

10. Further, the petitioner has undertaken to abide by the terms and conditions that may be imposed by this Court in his bail petition. The accused is permanent resident in the address mentioned in the cause title. Hence, this Court holds that petitioner is entitled for anticipatory bail and the apprehension of the Prosecution could be safeguarded by imposing suitable conditions. The principle of presumption of innocence until convicted applies to the facts of this case.

11. It is true that there is apprehension of arrest by the police to the petitioner. Taking into consideration of these facts, this is fit case to exercise discretionary power to grant bail. Hence, I am of the view that the petitioner is entitled for granting bail subject to conditions. Hence, I answer point No.1 in the 'Affirmative'.

12. **Point No.2:** For the reasons given to point No.1, I proceed to pass the following:

:: O R D E R ::

The petition filed by the petitioner/accused Under Section 482 of BNSS is allowed.

The respondent Excise police is directed to release the petitioner/accused in the event of his arrest in Crime No.11/2025-26 registered by Excise Police, Hukkeri Range, H.Q.Sankeshwar for the offence punishable U/Sec. 14, 15, 32(1), 38-A and 39(2) of Karnataka Excise Act 1965 on executing personal bond of Rs.50,000/- with one surety for like sum to the satisfaction of the investigation officer/ Jurisdictional court with the following conditions;

1. The petitioner shall appear before the investigation officer within 30 days from the date of this order to execute bail bond.
2. The petitioner shall regularly appear before the court during the trial without fail unless exempted by court for valid reason.
3. The petitioner shall not directly or indirectly tamper the prosecution witnesses.

4. He shall co-operate with the Investigation Officer and appear before them whenever called upon.
5. The petitioner shall not involve in similar offence in future.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court on this the 15th day of June, 2026)

(SRI. VIJAY KUMAR)

VII Addl. District and Sessions Judge,
Belagavi, sitting at Chikodi.