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**IN THE COURT OF, THE II ADDL.DISTRICT & SESSIONS JUDGE,
AT BALLARI.**

PRESENT:

SRI.B.G.PRAMODA, B.A.L., LL.B,
II ADDL.DISTRICT & SESSIONS JUDGE, BALLARI

DATED THIS 06th DAY OF JUNE 2026

Cr1.M.P.No:508/2026

PETITIONER: Raghavendra S/o. Ramappa, Aged about 33 years, R/o. Opp. Karkhana Masjid, Devi Nagar, Ward No.33, Ballari.

(By Sri.G.Mallikarjuna., Advocate)

//Vs//

RESPONDENT: The State by, the Excise Inspector, Range-1, Ballari.

(By Learned Public Prosecutor)

O R D E R

1. This petition is filed by the petitioner/accused **U/Sec.482 of BNSS**, praying to grant anticipatory bail to him in the event of his arrest in **Crime No.83/2025-26** of **Excise Police Station, Range-1, Ballari** for the offences punishable **U/Sec.11, 14, 32(1), 38(A) and 43 of Karnataka Excise Act**, pending on the file of Prl. Civil Judge & JMFC, Ballari.

2. It is stated in the petition that the respondent police have registered the case in Crime No.83/2025-26 against petitioner by alleging the commission of offences punishable **U/Sec.11, 14, 32(1), 38(A) and 43 of Karnataka Excise Act**, on the basis of complaint given by one Deelip Singh Rathod, Sub Inspector of Excise. It is further stated in the petition that the petitioner is innocent and he has not committed any offences as alleged against him. The petitioner has been falsely implicated in the above case in order to harass him and also at the instance of persons who are inimical towards the petitioner. The petitioner never carried any illegal transportation of liquor. The petitioner has no way connected to the alleged incident and he was not present at the spot or he was not selling the arrack (shendi) as alleged by the informant. The offences alleged against the petitioner is non bailable one, but not punishable with either for death or imprisonment for life. The petitioner has got strong apprehension of his arrest by respondent police. The petitioner is permanent resident of address mentioned in the cause title. The petitioner is ready to abide by any terms and conditions that may be imposed by the court for his enlargement on bail. The

petitioner is ready and willing to offer surety to the satisfaction of the court. Hence, the petitioner has prayed to allow the petition.

3. The learned Public Prosecutor has filed the objection to the petition by opposing the grant of bail to the petitioner on the ground that the offences alleged to have been committed by the petitioner are grave in nature and against society. It is further stated in the objection that the petitioner has illegally transported the Liquor in his motorcycle without any valid license or permit. It is further stated in the objection that the case is still at the investigation stage. If the petitioner is enlarged on bail, he will abscond and he may not appear before Investigating Officer and he may hamper the investigation of the case. The petitioner may threaten the informant and other prosecution witnesses and he may try to destroy the evidence. The petitioner may commit similar offence in future. Hence, the learned Public Prosecutor has prayed to reject the petition filed by the petitioner.

4. Heard the arguments of Learned Public Prosecutor and Learned counsel for the petitioner. Perused the petition, objection and other materials on record.

5. Having done so, the following points will arise for my consideration:

1. Whether the petitioner has made out grounds to grant the anticipatory bail to him **U/Sec. 482 of BNSS?**
2. What order?

6. My findings to the above points are, as under:

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

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

REASONS

7. **Point No:1:** The respondent police have registered the case in Crime No.83/2025-26, against the petitioner by alleging the commission of offences punishable **U/Sec.11, 14, 32(1), 38(A) and 43 of Karnataka Excise Act**, on the basis of information given by one Deelip Singh Rathod, Sub Inspector of Excise, Range-1, Ballari. The petitioner has produced the

certified copy of FIR, complaint and other documents. The petitioner is shown as accused in the FIR.

8. It is alleged in the FIR that, on 30.04.2026 at 12.10 PM, when the informant and staff were on patrolling duty, the informant saw one persons coming from Ibrahimapura village on the motorcycle with one bag. The informant stopped the said motor cycle and asked the rider of the motorcycle about what is there inside the bag. The said person told that, there is Sendhi in the bag and as such the informant opened the bag and checked the bag which was there on the petrol tank of Hero Honda Splender Bike bearing No.KA-34/R-7628. The informant found 10 plastic bottles of 1 liter each inside the bag having Sendhi. The accused i.e., rider of the motorbike has told that, he had purchased the Sendhi from Bommanahal of Andrapradesh for his own use. Thereafter, the informant has conducted panchanama in the said place and seized motorcycle and sendhi and released the accused by issuing notice under Section 35(3) of BNSS and registered the case against the petitioner.

9. The offences alleged against the petitioner are non-bailable in nature. As such, the petitioner has filed the present petition under the apprehension of his arrest by the respondent police. Since FIR is registered against the petitioner by alleging the commission of non-bailable offence and since notice under Section 35(3) of BNSS is issued to the petitioner, there is possibility of arrest of the petitioner by the respondent police during the course of investigation of the case if the petitioner has appeared before the I.O in pursuance of the said notice. It is also alleged by the petitioner that after registering the case against him, the respondent police are making hectic efforts to arrest him and there is reasonable apprehension of his arrest by the respondent police. If the petitioner is arrested by the respondent police without proper enquiry and without following the guidelines of the Hon'ble Supreme Court of India in Arnesh Kumar's case, the petitioner would be put to unnecessary hardship and humiliation.

10. The offences alleged against the petitioner are not exclusively punishable with death or imprisonment for life. The

alleged offences are triable by learned Magistrate. The respondent police have already seized the 10 plastic bottles Sendhi and the vehicle in which it is alleged that the petitioner was illegally transporting the Sendhi by conducting mahazar. Further the respondent police have not arrested the petitioner and they have issued notice to him U/s 35(3) of BNSS. As such custodial interrogation of the petitioner is not required for further investigation of the case. Whether the petitioner was illegally transporting the liquor in the motorcycle as alleged by the informant or not and whether the 10 plastic bottles of 1 liter each containing Sendhi and the vehicle were seized from the possession of the petitioner or not and whether the petitioner has committed the alleged offences or not has to be adjudicated only after full fledged trial.

11. The petitioner is ready and willing to abide by any terms and conditions that may be imposed by the court for his enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. The petitioner is also ready to co-operate with the investigation of the case. The petitioner is the permanent resident of address shown in the

cause title. The presence of the petitioner during the course of investigation may be secured by imposing suitable terms and conditions. The apprehension of learned PP can be made good by imposing suitable terms and conditions.

12. Section 482 (1) and (2) of BNSS, 2023 provides for granting anticipatory bail. The said sections reads as follows:

482(1) : When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

13. As per the aforesaid provision, this court has got power to grant anticipatory bail if any person proves that, case is registered against him by the police by alleging the commission non-bailable offences and if he proves that, he has got reasonable apprehension of his arrest by the police for the said alleged offences. In the present case as discussed earlier the offences alleged against the petitioner are non-bailable in nature and the petitioner has shown that there is an apprehension of his arrest by the respondent police. As such, I am of the opinion that, the discretion of this court U/sec.482 of BNSS can be exercised in favour of the petitioner to grant anticipatory bail as prayed for by imposing suitable terms and conditions. Hence,

the petition filed by the petitioner is deserves to be allowed.

Accordingly, I answer **Point No.1 in the Affirmative.**

14. Point No.2: In-view of my findings on Point No.1, I proceed to pass the following:

O R D E R

The petition filed by the petitioner/accused U/Sec.482 of BNSS, **is hereby allowed.**

The respondent police shall release the petitioner/accused on bail in the event of his arrest in **Crime No.83/2025-26** of **Sub Inspector of Excise, Range-1, Ballari** for the offences punishable **U/Sec.11, 14, 32(1), 38(A) and 43 of Karnataka Excise Act**, pending on the file of learned Prl.Civil Judge & JMFC, Ballari, on petitioner executing personal bond for a sum of **Rs.50,000/- with one surety for like-sum** to the satisfaction of the Learned Magistrate on the following further conditions:

CONDITIONS

(1) The petitioner shall appear before the Investigating Officer within two weeks from the date of this order and he shall furnish all necessary information and documents to the Investigating Officer.

(2) The petitioner shall appear before the Investigating Officer as and when called for and he shall co-operate with investigation of the case.

(3) The petitioner shall 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 any police officer or any hamper with the evidence.

(4) The petitioner shall not try to destroy evidence.

(5) The petitioner shall not leave India without prior permission of jurisdictional magistrate.

(6) The petitioner shall not commit any offence of similar or any other offence in future.

(7) Violation of any of the aforesaid terms and conditions would entitle for cancellation of bail of the petitioner.

(Dictated to the Stenographer Grade-III directly on computer, typed by her, corrected by me and then pronounced in the open court on this **06th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.