

KABK010009082026



IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS  
JUDGE, BAGALKOTE

Present: Sri. N.V. Vijay, B.A. LL.B. (Hons.),  
Prl. District and Sessions Judge,

Dated this the 6<sup>th</sup> day of March, 2026

Criminal Miscellaneous No.129/2026

Petitioners

- 1) Murigeppa @ Murugesh S/o Irappa  
Masabinal, Age: 50 years, Occ: Coolie/  
Business, R/o: Laxmi Nagar,  
Basavana Bagewadi,  
Tq: Basavana Bagewadi,  
Dist: Vijayapur
- 2) Nagappa S/o Yamanappa Talawar,  
Age: 39 years, Occ: Business/Vehicle  
owner, R/o: Channabasavanna Nagar,  
Telagi road, Basavana Bagewadi,  
Tq: Basavana Bagewadi,  
Dist: Vijayapur.

(Sri A.S. Dalawai, Advocate)

Vs.

Respondent

: The State of Karnataka,  
By Bagalkot Excise Range Office.

(Public Prosecutor, Bagalkote)

ORDER

This is the petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in Bagalkot Excise Range Office Crime No.51/2025-26 registered for the offences punishable under Sections 11, 14 & 15 read with Section 32(1), 38(A) & 43(A) of Karnataka Excise Act, 1965.

2. In the petition it is averred that there are no reasonable grounds to believe that they have committed any offences. They are innocent but have been falsely implicated in this case just to harass them. There are absolutely no prima-facie materials to connect the petitioners with alleged offences. The petitioners are permanent residents of address given in the cause title. They are ready and willing to furnish adequate surety to the satisfaction of the Court and ready and willing to abide by the conditions imposed by this Court. Hence, prayed to allow the petition.

3. On the contrary, the learned Public Prosecutor has filed objections by narrating the facts of the case and has

contended that the complaint averments clearly disclose the fact that the petitioners were found transporting illicit liquor for the purpose of selling it to the public. If the petitioners are enlarged on bail, there is possibility of destroying the evidence and threatening the prosecution witnesses. Hence prayed to reject the petition.

4. Heard the arguments of both sides.

5. The point that arises for my consideration is:

Whether the petitioners are entitled to anticipatory bail ?

6. My answer on the above point is in the affirmative, for the following:

### **REASONS**

7. A complaint is lodged by one Arun Jevaragi Circle Inspector of Bagalkot Excise Range Office alleging that on 17.01.2026 at about 3.15 a.m., when himself and his staff were on patrolling duty on the road situated in front of Nootana Vidyalaya situated at Khajjidoni village, at that time, one car was coming from Lokapur road in a very high speed manner and by suspecting they stopped the said car

and on enquiry with driver he disclosed his name as Siddanna Kumbar resident of Vijayapura. Subsequently, on searching of said car they found 4 fertilizer bags found on the backside seat of and in dickey of the car. Said fertilizer bags having mark as '6', '4', '3', and '4' on them. Subsequently, on opening said 4 fertilizer bags wherein they found 62 glass bottles of 750 ml Blenders Pride Whiskey, 14 glass bottle of 750 ml Black & White Whiskey bottles, 10 glass bottles of 750 ml 100 Paipers Whiskey bottles, total 86 liquor bottles having capacity of 750 ml each i.e., total 64.500 liters of liquor was found. On each bottle it is mentioned with the line 'For Defence Persons Only'. On enquiry with driver of car who revealed said liquor bottle were belonged to one Murugesh Masabinal who is petitioner No.1. On inspection of said car it was Swift Dezire car bearing its registration No.KA-28/D-773. The accused was found transporting the liquor for the purpose of selling it to the public for his personal gain. The said liquor was seized in presence of Pancha witnesses and out of it, sample was collected and subsequently filed the

complaint on behalf of State. Hence, the complaint.

8. On perusal of records, it reveals that the Excise Inspector has seized the liquor in presence of Pancha witnesses. Therefore, at this stage, there is nothing else left to recover at the place of incident. But, the fact remains that whether it was the petitioner who was found transporting and selling the illicit liquor is to be established in the course of trial. The accused revealed the name of petitioner No.1 stating that the petitioner No.1/Murigeppa was the owner of said liquor on his enquiry and the petitioner No.2 was the owner of the said vehicle and both the petitioners have filed this application with apprehension of their arrest. The offences alleged against the petitioners are not punishable either with death or imprisonment for life. Hence, I am of the opinion that the petitioners can be enlarged on bail with conditions. Accordingly, the above said point is answered in the affirmative and pass the following:

ORDER

The petition filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.

In the event of arrest of petitioners, the respondent Excise Officers are directed to release them on bail in Crime No.51/2025-26/0110IE/2438427 on their executing personal bond of Rs.50,000/- each with one surety for likesum with following:

CONDITIONS

1. The petitioners shall appear before the respondent Excise Office within two weeks from the date of this order and shall execute bail bonds as ordered.
2. The petitioners shall make available themselves for interrogation to the investigating officer as and when required.
3. The petitioners 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 her from disclosing such facts to the court or to any Excise Officer.

4. The petitioners shall not commit similar or other offences.
5. The petitioners shall not leave India without the prior permission of the court.

(Dictated to the Stenographer Grade-I directly on computer, script corrected, signed and then pronounced by me in the open court on this the 6<sup>th</sup> day of March, 2026.)

(N.V. Vijay)  
Prl. District and Sessions Judge, Bagalkote