

KABK220000892026



Crl.Misc./10009/2026

**IN THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, BAGALKOTE, SITTING AT: MUDHOL**

PRESENT

SRI. GURURAJ G. SHIROL,

B.Com., LL.M.,

**III Additional District & Sessions Judge,
Bagalkote, sitting at Mudhol**

Crl. Misc. No.10009/2026

Dated this the 13th day of March-2026

PETITIONER:

1. Sri. Kadappa Bhimappa Koli,
Age: 23 Years, Occ.:Agriculturist,
R/o: Ward No.8, (Banahatti Rural)
Tq: Jamakhandi, Dist: Bagalkot.
(Owner of vehicle No.KA-23/R-8383)

(By Sri.S.S.Dangi Advocate)

V/s.

RESPONDENT:

1. The State of Karnataka,
Represented by Excise P.S.I,
Mudhol, Tq: Mudhol.

(By Learned Public Prosecutor, Mudhol)

ORDER

The petitioner has filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita-2023, praying to grant him anticipatory bail in Mudhol Excise P.S Cr. No.19/2025-26 for the offences punishable U/s. 11, 14, 15, 32(1), 34, 38(A) and 43(A) of Karnataka Excise Act-1965.

2. Facts leading to petition are as under:

That on 24.11.2025 at 8.30 P.M. the excise inspector along with his staff were on routine patrolling duty on Mudhol-Jamakhandi by pass road near P.M.Budni cross, one person was coming on a motorcycle along with bag, on seeing the excise police he started to ran away leaving the bag along with motorcycle, the excise police chased him but he escaped in the dark. After searching fertilizer bag the excise officials found 144 tetra packets of 90 ML ORC Whiskey totally 12.96 Liter without any valid license or permit. The excise inspector conducted Mahazar in presence of the panchas and recovered the liquor. The Excise Inspector has registered sou motu case against the petitioner in Mudhol Excise P.S. Cr.No.19/2025-26 for the offences U/s. 11, 14, 15 32(1), 34, 38(A) & 43(A) of Karnataka Excise Act-1965. Apprehending arrest in the said

case, the petitioner has moved this application on the following grounds.

3. Grounds :

- i) The petitioner most humbly submit that the petitioner is an innocent, and has not committed any offence.
- ii) The prosecution case itself shows that there was no recovery from the physical possession of petition only on mere suspicion the petitioner has been made as accused in this case.
- iii) The prosecution has violated section 103(4) of BNSS R/w section 105 of BNSS-2023.
- iv) The prosecution has linked the petitioner on suspicion of bike belong to the petitioner.
- v) The petitioner submit that he is ready and willing to co-operate with the police during investigation, or when required for the purpose of interrogation by a police officer as and when required. No prejudice would be caused to free, fair, and full investigation, in-case of bail is granted to the petitioner.

- vi) The petitioner is the permanent residence of Banahatti and he owns agriculture land. So there is no chance of abscondence.
- vi) That the accused person/petitioner is ready to furnish surety to the satisfaction of this Hon'ble court and undertake to appear before this Hon'ble court as and when directed to do so.

On these main grounds, the petitioner prayed for allowing the application.

4. The objections:

The learned Public Prosecutor objects the petition contending that the petitioner has involved in commission of the offence. Further contends that if the accused is released on bail, he may again indulge in similar offence, may abscond, threaten the prosecution witnesses, tamper with the prosecution witnesses and create hurdles in the investigation or flee away from justice.

5. Heard the arguments and perused the case records.

6. Now, the following points arise for consideration of this court:

- 1) Whether the petitioner is entitled for bail?
- 2) What order?

7. On the basis of the materials on record, above points are answered as under:

POINT NO.1: In the Affirmative.

POINT NO.2: As per the final order, for the following:

REASONS

8. **POINT NO.1:-** It is alleged that petitioner involved in the offence in contravention with the provisions U/s. 11, 14, 15, 32(1), 34, 38(A) & 43(A) of Karnataka Excise Act-1965. Though the alleged offences are non bailable in nature, they are not punishable with “death or imprisonment for life”.

9. Hon’ble Supreme Court in ***Susheela Aggarwal and others V/s State (NCT of Delhi) and another*** reported in ***(2020)5 SCC 1***, has held as under:

“While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of influencing the course

of investigation or tampering with evidence including (intimidating witnesses). Likelihood of fleeing justice (such as leaving the country etc.)...

.Courts ought to be generally guided by consideration such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case while considering whether to grant anticipatory bail or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so what kind of special conditions are to be imposed (or not imposed) are dependent of facts of that case, and subject to the discretion of the court.”

10. On perusal of the facts of the present case, the offences are not grave in nature. They are not punishable with sever punishment. On perusal of the role attributed to the petitioner, he is said to be owner of the motor cycle seized in the case. Further it is not the case of the prosecution that, the petitioner himself was in possession of the alleged liquor and transporting it on the motorcycle seized. Moreover on perusal of the FIR itself shows that there is no mention of accused name in the column. Therefore, as

of now the material on record is not sufficient to believe that the petitioner has committed the above referred offences.

11. Further more the petitioner has produced his Aadhar card which shows that is the permanent residence of Banahatti Village of Bagalkot District. Thus the possibility of fleeing away from justice is very less.

12. The materials are already seized. The prosecution has not stated that the custody of the petitioner is required for investigation for any specific reason. The other apprehensions of the prosecution can be met with by imposing proper conditions. Therefore, this court is of the considered opinion that the bail petition filed by the petitioner deserves to be allowed. Hence point No.1 answered in the **Affirmative.**

13. POINT NO.2: For the aforementioned reasons, the court proceeds to pass the following:

ORDER

The application filed by the petitioner u/s 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail is **Allowed.**

In the result, the petitioner is directed to be released on bail in the event of his arrest in Mudhol Excise P.S.Cr.No.19/2025-26, registered for the offences U/s. 11, 14, 15, 32(1), 34, 38(A) & 43(A) of Karnataka Excise Act-1965, on executing personal bond for a sum of Rs.1,00,000/- with surety for the like sum to the satisfaction of the IO, subject to the conditions that:

1. The petitioner shall surrender before the Excise Inspector, Mudhol excise Range within 15 days from the date of this order.
2. He shall not tamper with the prosecution witnesses.
3. He shall co-operate with the Investigating Officer in the investigation of this case.
4. He shall not make any inducement, threat, promise or cajolment to any of the prosecution witnesses in any manner.
5. He shall appear before the IO and mark attendance on every Sunday between 10 am to

5 pm till the charge sheet is submitted or 60
days whichever is earlier.

(Dictated to the Stenographer directly on computer and typed by him and corrected, signed and then pronounced by me in the Open Court on this 13th day of March-2026).

Sd/-
(GURURAJ G. SHIROL)
III Addl. District & Sessions Judge,
Bagalkote, sitting at Mudhol.