

KACB320001662026



**IN THE COURT OF THE II ADDITIONAL DISTRICT
& SESSIONS JUDGE, CHIKKABALLAPURA,
SITTING AT CHINTAMANI**

Dated this the 2nd day of April, 2026.

PRESENT :

Sri. Kantharaju S.V. B.A. LL.B.
II Additional District & Sessions Judge
Chikkaballapura, Sitting at Chintamani

Crl. Misc.No.66/2026

Petitioner:

Subbareddy,
Son of Late Narayanaswamy
Aged about 70 years,
Residing at Kadadanamari Village,
Chintamani Taluk,
Chikkaballapura District.

(Rep. by Sri. S.Rajaram
Advocate)

Versus

Respondent:

The State
Rep. by Batlahalli Police
Station, Chikkaballapura District

(Rep. by Learned Public Prosecutor,
Chintamani)


21/4/2026

:ORDERS:

This petition is filed under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 on behalf of the petitioner/accused for grant of anticipatory bail in the event of his arrest in Crime No.93/2025 in connection with CC No.3740/2025 for the offences punishable under Sections 32 and 34 of Karnataka Excise, pending on the file of Addl. Civil Judge & J.M.F.C, Chintamani, in the interest of justice.

2. The learned Public Prosecutor representing the State has seriously opposed the application and has requested to reject it for the reasons stated in her written objection and the I.O.Report.

3. Heard arguments from both side.

4. The point for consideration is:

“Whether the petitioner has made out grounds for grant of bail as sought for?”

5. The above point is answered in the **Affirmative** for the following:-

REASONS

6. I have perused the record. The charge sheet allegations in brief are that, on 31/08/2025 at 2.30 pm, while CW-1 and CW4 to CW6 were on patrolling duty and they have received credible information that liquor was being


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sold illegally under a coconut tree in the Nabhagadali area of the house of the accused in Kadadanari village, Chintamani taluk. They were raided in the presence of CW-2 and 3 at around 2.45 pm and found that the accused was selling liquor illegally without any license and seized the 90 ML Hywards Cheers whisky of 48 Tetra packets and 12 Bottles of 650 ML Royal Challenge Strong Premier Beer, the value of Rs,3,800/- and in total 12 Liter 120 M.L. On the basis of the complaint, the the concerned Chintamani Rural police station have registered a case against the accused for the aforesaid alleged offences.

7. The learned counsel for the petitioner contends that, the respondent police have completed the investigation and filed charge sheet against the accused before the trial court in CC No.3740/2025 on the file of Additional Civil Judge and JMFC at Chintamani. The petitioner is apprehension of his arrest by the respondent police. The respondent police is searching whereabouts of the petitioner in his address. The petitioner is innocent person and did not commit any crime as alleged in the complaint. The petitioner is suspects the apprehension of the arrest by the respondent with the offences leveled against him. The alleged offences are non-bailable offences and triable by the First Class Judicial Magistrate. The petitioner not at all committed any offences much less an offences punishable either with death or


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imprisonment for life. The petitioner is permanent resident of aforesaid address. The petitioner is having wife, and children who are solely dependent upon the petitioner and the petitioner is the only bread earner to his family. If the petitioner arrest by the respondent police in the above said case the petitioner has been deprived of his valuable fundamental right of liberty by abuse of legal provisions and process of law. That the petitioner is willing to furnish surety and bail bonds to the satisfaction of the court on being ordered to be release on bail. The petitioner is not at all required for the investigation as the respondent police has filed charge sheet. There is no any recover is to be effected from the petitioner. The petitioner undertakes not to temper with the prosecution evidence. The petitioner will associates with the investigation whenever required to do so. The petitioner has immovable properties in the said address and there is no chance of jumping over the bail. Hence, he prayed to allow the bail petition.

8. On the contrary the learned Public Prosecutor has filed objections and seriously opposing the bail petition on the grounds that, the bail petition filed by the petitioner is contrary to law and facts, liable to the dismissed. Further the learned Public Prosecutor has reiterated the charge sheet averments. The investigating officer has visited the spot and conducted the mahazar. The investigation has been completed and filed charge sheet in C.C.No.3740/2025


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against the petitioner and on perusal of the charge sheet avermetns, the petitioner has committed the offences, hence, he is not entitled for anticipatory bail. The alleged offences punishable under imprisonment for 5 years with fine and they are non bailable offences. If at this stage, the petitioner is granted with anticipatory bail, he may threaten the prosecution witnesses and he may destroy the prosecution evidence or he may commit the similar kind of offences and the possibility of Petitioner fleeing away from justice cannot be ruled out. Further, it is contended that there are no valid grounds to grant anticipatory bail to the petitioner. There is sufficient material on record to presume that the petitioner has committed the offences alleged against him. Hence, it is requested to reject the petition.

9. The contentions of either side is placed on record. I have carefully perused the allegations made in the FIR, complaint and charge sheet the statement of objection filed by the prosecution along with the contentions raised by the petitioner in this petition. Admittedly, the investigation is completed and charge sheet has been filed. Though the offences invoked in the complaint are non-bailable, they are exclusively triable by the Court of Magistrate. As the offences are non-bailable in nature the apprehension of arrest of accused is well-founded. Though the FIR was registered on 31.08.2025 the investigating officer has not arrested the accused-petitioner. Further all the allegations are required to

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be proved through full fledged trial. In the document furnished by the prosecution, criminal antecedents of the petitioner is not forthcoming. Further, as already charge sheet filed against the petitioner, hence the custodial Interrogation of the petitioner is not required. On the other hand, the petitioner has undertaken to abide by the conditions that may be imposed by this court. Under these circumstances, this court is of the considered view that the interest of petitioner and prosecution can be balanced by imposing stringent conditions. Accordingly, I proceed to pass the following :

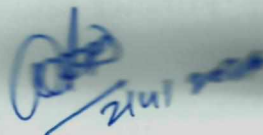
ORDER

The petition filed under Section 482 of BNSS, 2023 is hereby allowed.

The Investigating Officer is hereby directed to release petitioner/accused in the event of his arrest in Crime No.93/2025 connection with CC No.3740/2025 pending on the file of Addl. Civil Judge & JMFC, Chintamani, on his executing personal bond for a sum of Rs.50,000/- with one surety for the likesum.

This order is subject to the following conditions:

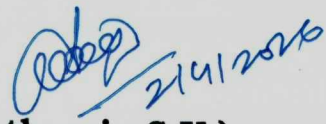
1. He shall appear before the Investigation Officer and furnish surety within 15 days.



2. He shall not repeat the same and involve in any kind of offences.
3. He shall not directly or indirectly threaten or destroy the prosecution witnesses.
4. He shall appear before the trial court regularly.

In the event if he violated any of the conditions, the prosecution would be at liberty to seek the cancellation of the bail.

(Dictated to the Stenographer directly on computer, typed by him, corrected and then pronounced by me in the Open Court, on this the **2nd day of April, 2026.**)


(Kantharaju S.V.)

II Additional District & Sessions Judge,
Chikkaballapura, Sitting at Chintamani