

ORDER ON BAIL APPLICATION FILED BY
ACCUSED NO.6.

This bail application is filed by accused No.6 under Section 483 of BNSS Act praying for enlarging him on bail.

2. According to accused No.6, Garag Police have registered false case against him and others for the offences punishable under Sections 11, 12, 14, 15, 32(1), 34, 38(a), 43 of Karnataka Excise Act and Section 20(b) (ii) (C) of NDPS

Act, arrested him and after investigation filed charge sheet. He is innocent and he is ready to abide by any conditions imposed by this court. Hence prays for allowing the bail application on several other grounds.

3. The learned Public Prosecutor has filed objection to the bail application narrating the complaint averments and stating that the offences alleged are heinous in nature and if the accused is released on bail, it is likely that he may commit similar type of offences or tamper the witnesses and hence prays for rejecting the bail application on several other grounds.

4. Heard both the sides.

5. Basing on the above said facts, the following points that arise for my consideration are:

1) Whether accused No.6 is entitled for bail as sought?

2) What order?

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

Point No.1: In the Negative

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

REASONS

7. **Point No.1:-** As per the complaint averments, the police have seized 29,540 liters of extra neutral alcohol spirit

which was in 844 plastic cans from the other accused in the presence of panchas and other officials as per the secret information received by the complainant on 24.11.2025 stating that the other accused are carrying the spirit illegally without any license in a Lorry bearing No. KA 19/AB-1930. As per the voluntary statement of those accused who are arrested, accused No. 6 was the receiver of this spirit of commercial quantity from the other accused. Hence accused No.6 was arrested on 08.12.2025 in Dharwad Court Circle at 11.30 am. On enquiry, accused No. 6 has stated that he has come from Kerala to Dharwad for taking bail to other accused who are arrested in this case and also admitted that he is the receiver for the said extra neutral alcohol ENA spirit at Kerala and admitted that those were transported illegally.

8. In this case, earlier the FIR is filed by the Garag Police under Sections 11, 12, 14, 15, 32(1), 34, 38(a) and 43 of K.E. Act, 1965 and later added Section 20(b) (ii)(C) of NDPS Act. Hence the concerned I Additional Civil Judge and JMFC, Dharwad transferred this case to the Sessions Court as the said court has no jurisdiction.

9. It is the argument of the Advocate for accused No.6 that accused No.6 has come from Kerala to Dharwad for taking bail to other accused who are arrested in this case and he is implicated basing on his statement, which is created by the police. In addition to the same, it is the argument of the

Advocate for accused No.6 that accused No.1 and 2 who are carrying 29,540 liters of extra neutral alcohol spirit have stated that they are taking the same for selling it to accused No.6 have already been released on bail in the trial Court and the offences alleged against this accused No.6 are only under Excise Act and NDPS Act will not attract against this accused No.6 and hence he has to be released on bail.

10. However, as per the allegations against accused No.6, accused No.1 and 2 were carrying this alcohol spirit of 29,540 liters without license for giving it to this accused No.6 only. The said alcohol spirit is worth Rs.35,44,800/-. That means it is clear that the above said heavy liters of spirit was carried by accused No.1 and 2 without license for giving it to accused No.6. Granting bail by the Magistrate Court to accused No.1 and 2 cannot be a ground for granting bail to this accused No.6 who was the receiver. As per the judgment of Hon'ble High Court and Supreme Court in many cases parity ground is not applicable and the facts of the case have to be taken into consideration for each and every accused. Therefore, I feel that when there is such allegation against accused No.6 as stated above, if bail is granted, it will encourage others also to carry and receive the spirit which is carried without license. There was no impediment either to accused No.1 and 2 or this accused No.6 to obtain license. In addition to the same, this spirit cans were hided by covering

paddy bags and Garlic bags while it was carried in the lorry. Hence, I feel that this accused is not entitled for bail. Hence, I answer point No.1 in the Negative.

11. **Point No.2:-** In view of answering point No. 1 in the negative, I pass the following:

ORDER

Bail application filed by the accused No.6 under Section 483 of BNSS is rejected.

(Order dictated to Stenographer Gr..I in the open Court on this 21st day of May, 2026 by pronouncing the same, thereafterwards the same is transcribed and typed by him, then the print out corrected and signed by me)

(B.S.Bharathi)
PRL. DISTRICT & SESSIONS JUDGE,
DHARWAD.