

KADG010018222026



Presented on : 11-06-2026
Registered on : 11-06-2026
Decided on : 22-06-2026
Duration : 0 years, 0 months, 11 days

**IN THE COURT OF THE I ADDL. DISTRICT AND
SESSIONS JUDGE, DAVANAGERE.**

Present : **Sri. Gururaj Somakkalavar, M.A., LL.B.,**
I Addl. District & Sessions Judge, Davanagere.

Dated this the 22nd day of June 2026

Crl.Misc.494/2026

PETITIONER/S:

Manu S/o Guddadaiah,
Aged about 28 years,
R/o 2nd Cross, Betur Road,
Muddabhoi Colony,
Davanagere.

(By Sri.R.P. Adv.,)

V/S

RESPONDENT/S:

State by Excise Police, Davanagere.

(By the Public Prosecutor, Davanagere.)

ORDERS ON PETITION FILED U/SEC.482 OF B.N.S.S.

The petitioner being the accused in Cr.No.42/2025-26 registered on the file of Excise Police, Davanagere, has filed this petition U/Sec.482 of B.N.S.S., seeking his release on bail in the event of his arrest by the Respondent Police for the offences punishable U/Sec.11, 14(1), 15, 32(1), 38(A), 43(A) of the Karnataka Excise Act, 1965.

2. It is contended by the petitioner that, he is innocent and law abiding citizen. He is having deep roots in the society. There is no prima-facie case against him. He was falsely implicated by the respondent police. He is the permanent resident of the address mentioned in the Cause Title. He is the sole bread earner of his family. He has not selling excisable articles as alleged by the complainant. Alleged offences are not punishable with death or imprisonment for life and they are triable by the Court of Magistrate. He is ready to furnish surety to the satisfaction of this court. He is abide by the conditions that may be imposed by this court. Hence, prayed this court to enlarge him on bail.

3. Per contra, the learned Public Prosecutor appearing for the Respondent filed detailed objections by

reiterating the averments of the complaint and contended that there is prima-facie case against the petitioner. The alleged offences are serious in nature and punishable with upto 7 years imprisonment and fine. The petitioner was possessing of liquor with an intention to sell the same without any license as required under law. Investigation in the case yet not completed, the seized liquor has been sent to the FSL for examination and report has to be obtained. Hence, at this stage, if petitioner is enlarged on bail, there is every chance of the petitioner flee from justice and hamper the trial and investigation. Accordingly, the learned Public Prosecutor prays to dismiss the petition.

4. Having heard the arguments of the learned Public Prosecutor and counsel for the petitioner, the points that arise for my consideration is:

1. Whether the petitioner is entitled for bail U/s.482 of B.N.S.S.,?

2. What Order?

5. My findings to the aforesaid points is:

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

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

REASONS

6. **POINT No.1:-** The case of the complainant in brief is that, when the respondent official on patrolling duty one 2 wheeler vehicle bearing Reg.No.17-H.F.2575 standing doubtfully near Bambu Bajar road, Bharath Petroleum bunk road, liquor was transporting illegally through 2 wheeler bike owned by petitioner/accused. Hence, they went near 2 wheeler bike and enquired the accused/petitioner. On search it is found 01.90 ml of Original Choice 46 tetra packs, 02 D.K.Double kick neet whiskey 12 tetra packs, total 5.22 liters of liquors which is excess to permitted limit. Hence, case is registered against petitioner. After that, the said packs were seized after drawing the mahazar and thereby the petitioner has committed offences U/Sec.11, 14(1), 15, 32(1), 38(A), 43(A) of the Karnataka Excise Act, 1965.

7. The petitioner has specifically denied the allegations leveled against him. The involvement of the petitioner is to be investigated. Whether or not the petitioner has committed the alleged offences is a matter to be decided during full-fledged trial. For now, it is to be seen whether the petitioner has made out justifiable grounds to allow the petition and the petitioner is available

for investigation and trial in the event of his release on bail at this stage. In the case on hand, the alleged offences are triable by the learned Magistrate and not punishable with death or imprisonment for life. It is not in dispute that the petitioner is a permanent resident of Davanagere District and having deep roots in the society. The learned Public Prosecutor contended that there is every chance of the petitioner flee from justice in the event of his release at this stage. In the facts and circumstance of the case, if reasonable conditions are imposed and the petitioner is released on bail, ends of justice could be met and the apprehension of the prosecution that the petitioner may flee from justice could also be made. Hence, this court is of the considered opinion that the petition deserves to be allowed by imposing reasonable conditions. Accordingly, I answer Point No.1 in the Affirmative.

8. **POINT No.2:-** In view of my foregoing discussion on Point No.1, I proceed to pass the following;

O R D E R

Bail petition filed under Sec.482 of
BNSS by the petitioner is hereby
Allowed.

The Petitioner is ordered to be released in the event of his arrest by the Respondent Police, if not required in relation to any other offence, in Cr.No.42/2025-26 on his executing personal bond for Rs.1,00,000/- with two sureties for the likesum on the following conditions.

1. The Petitioner shall appear before the I.O within 10 days from the date of this order.

2. The Petitioner shall not tamper with the Prosecution witnesses either directly or indirectly in any manner.

3. The Petitioner shall not abscond from the ordinary residence and he should furnish the address proof to the concerned police.

4. The Petitioner shall not indulge in any kind of offence.

5. The Petitioner shall not leave the jurisdiction of the Court without prior permission of the concerned Court.

6. The Petitioner shall appear before court concerned on all hearing dates without fail.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

(Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court, on this the **22nd day of June 2026**)

[Gururaj Somakkalavar]
I Addl District & Sessions Judge,
Davanagere.