

KADK010019752026



Presented on : 02-05-2026
Registered on : 02-05-2026
Decided on : 30-05-2026
Duration : 28 days

IN THE COURT OF THE PRL.DISTRICT & SESSIONS
JUDGE, D.K., MANGALURU

Present:

Sri. Maanu K S, B.Sc., LL.B., MBL.,
C/c of Prl. District & Sessions Judge,
Dakshina Kannada, Mangaluru.

Dated this 30th day of May, 2026

Crl.Misc.No.381/2026

Petitioner : Balakrishna,
S/o Mainda Moolya
Aged about 54 years,
R/at. Rangelu House,
Panemangalore Village,
Bantwal Taluk.

(By Sri. S.K.B.N, Adv.,)

Versus

Respondent : The State of Karnataka
By Bantwal Rural P.S.

(By Learned Public Prosecutor)

ORDER

The petitioner has filed this petition u/s.482 of BNSS praying to grant anticipatory bail in Crime No.61/2026 of Bantwal Rural Police Station registered for the offences punishable u/ss. 32 and 34 of Karnataka Excise Act, 1965 pending on the file of Addl.Civil Judge & JMFC Court at Bantwal for the reasons stated therein.

2. The learned public prosecutor has resisted the above petition reiterating the averments made in the first information statement and FIR in Cr.No.61/2026 of Bantwal Rural Police Station and prayed for dismissal of the bail petition.

3. Heard the arguments, perused the materials placed on record.

4. On the basis of materials placed on record, following points arise for my consideration:

1. Whether the petitioner has made out valid grounds to grant anticipatory bail?

2. What order?

5. My answers to the above points are as follows:

Point No.1 : In the Affirmative;

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

REASONS

6. **PointNo.1:** As per FIS, FIR and other materials available on record, the brief facts of case of respondent are that, on 06-04-2026 at about 6.30 p.m. when the Sub Inspector of Bantwal Rural Police Station along with his staff was on patrolling duty at places called Sajipa Nadu, Laxman Kattte, Cheloor, Kanchinadka Padavu within the limits of Bantwal Rural Police Station and when they reached to Sajipa Nadu at 8.45 p.m. PC 2314/Halesh received credible information that petitioner is illegally transporting liquor in his auto rickshaw without any license of permit. On receiving the said information, the complainant herein obtained permission from ASP Bantwal Sub Division and proceeded to the said place along with panchas and when they reached the house of petitioner/accused, a person who was coming in his auto rickshaw on seeing them, turned his auto rickshaw towards the house of the petitioner and by leaving the said auto rickshaw near the compound of the house of petitioner, he climbed the compound and fled away from the spot in the dark and his staff identified the said person as petitioner and on searching the said auto

rickshaw bearing Reg.No.KA.19/AB.7217, beneath the driver seat they found plastic covers containing 24 pouchs of 180 ML each Original choice Deluxe Whisky in total 4.320 liters liquor and 12 pouches of 90 ML Mysore Lancer Whisky in total 1.080 liter, hence he seized the said liquor and auto rickshaw bearing Reg.No. KA.19/AB.7217 in the presence of panchas by conducting seizure mahazar and registered the above case against the accused/petitioner herein for the aforesaid offences and issued notice U/s. 35(3) of BNSS.

7. Perusal of the FIS, FIR and other materials available on record *prima facie* discloses commission of the alleged offences by the petitioner. However perusal of the nature and gravity of the accusation discloses that alleged offences, though are non-bailable in nature, the same are triable by the Magistrate Court and none of the said offences are punishable with imprisonment for life or above 7 years. A further perusal of the allegations made in the FIS discloses that the petitioner was not caught red hand in the said spot and it is only based on the alleged suspicion and identification of the petitioner and that the vehicle was standing in the name of petitioner, the name of petitioner has been shown as accused. Though the investigation is still under progress and the petitioner is required for interrogation, custodial interrogation of the petitioner does not seem to be required at this stage. More over there are no criminal antecedents against the

petitioner. As such at this stage this court is of the opinion that the petitioner has made out sufficient grounds for his enlargement on anticipatory bail as his apprehension of being arrested and harassed by the respondent sounds reasonable.

8. So far as the apprehension of the learned Public Prosecutor as to possibility of the petitioner fleeing away from the jurisdiction of this court, hampering and tampering prosecution witnesses and evidence etc is concerned the same could be regulated by imposing reasonable conditions and also directing the petitioner to co-operate with the I.O. during the course of investigation in the alleged crime and by doing so, no hardship will be caused to the prosecution. Hence, I am of the view that anticipatory bail as sought for can be granted in favour of the petitioner by imposing reasonable conditions. Accordingly, I answer point No.1 in the Affirmative.

9.**Point No.2:** In view of the above discussion and reasons stated therein and my answer to point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner
u/s.482 of BNSS is hereby allowed;

The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.61/2026 of Bantwal Rural Police Station on executing personal bond for Rs.50,000/- with one surety for the like sum, on the following:

CONDITIONS

1. The petitioner shall appear before the investigating officer within 15 days from this day and co-operate with the I.O. for further investigation;
2. He 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 him from disclosing said facts to the Court or to any police officer;
3. He shall not leave India without prior permission of this Court;
4. He shall not hamper or tamper the prosecution evidences;
5. He shall not indulge in the commission of any offence of similar nature.
6. He shall furnish his residential address proof document, mobile number, Whatsapp number, E-mail ID (if available) to enable him to be

contacted. He is are directed not to change any of the above until completion of trial.

Violation of any of the terms and conditions would entail the prosecution to takes steps for cancellation of the bail at any stage of proceedings.

(Dictated to the Stenographer Grade-I, transcript, revised, corrected, signed and then pronounced by me in the Open court, on this the 30th day of May, 2026.)

(MAANU K S)
**C/c of Prl. District & Sessions Judge
D.K., Mangaluru.**