

KAGD010009512026



Presented on : 29-05-2026
Registered on : 29-05-2026
Decided on : 04-06-2026
Duration : 06 days

**IN THE COURT OF PRL. DISTRICT AND SESSIONS JUDGE,
GADAG**

Dated this the 04th day of June, 2026

PRESENT:
Smt. NAGAVENI, B.A., LL.B.,
PRL. DISTRICT AND SESSIONS JUDGE,
GADAG.

Crl.Misc.Case No.204 of 2026

Petitioner: Ravi S/o Bheemappa Iliger,
Age: 40 years, Occ: Agriculture,
R/o.Doni village, Tq: Mundaragi, Dist: Gadag.

(Represented by Sri.B.V.H., Advocate)

Vs.

Respondent: State by Mundargi Excise Police,
Gadag District.

(Represented by Public Prosecutor)

ORDER

The petitioner in C.R. No.31/2025-26 of the respondent police filed this petition under Section 482 of Bharatiya Nagarik

Suraksha Sanhita, 2023 (Section 438 of Code of Criminal Procedure, 1973).

2. Petitioner narrate the allegations made in the F.I.R. Further it is contended that the allege offences U/s 32(1), 38A, 43 Karnataka Excise Act 1965 are Non-bailable offences and not punishable with death or life imprisonment. Hence, this Court has got Jurisdiction to grant the anticipatory bail in this very case. The petitioner is innocent and not committed any offences as alleged against the petitioner. The petitioner is categorically denying the occurrences of alleged offences as mentioned in the complaint and the petitioner was not driving the alleged vehicle in the criminal case and no property is seized and it is not belong to the petitioner at any point of time. The investigation officer just to harass this petitioner has involved in this criminal case without legal evidence against the petitioner. The petitioner is ready to furnish the surety to the satisfaction of the Court as well as to the satisfaction of the investigation officer. The petitioner is permanent residence of Doni Village, Tq: Mundargi, Dist: Gadag and the petitioner is having wife and children and also having immovable properties in his name and he is deep-rooted in the society. The petitioners will not abscond from the Jurisdiction of the Court and ready to abide all

conditions imposed by this Court and not to tamper the prosecution witnesses in any manner and he is the only earning member in the family. The petitioner is ready to attend each and every adjournment of this case and also ready to attend before the investigation officer as and when required. The petitioner is ready to furnish the surety to the satisfaction of the Court as well as to the satisfaction of the investigation officer. On these grounds they seek bail.

3. Learned Public Prosecutor resisted the petition. In the objections while reiterating the F.I.R. contents, contends that if the petitioner is released on bail there is possibility that he may sell the illicit liquor in the town. The petitioner involved in the offence which is injurious to human health and society and endangering the economy of the Government. The petitioner is absconding at the time of the raid and he was not found. If the petitioner is released on bail there is possibility of destruction of evidence. The petitioner is influential person. The charge sheet is not yet filed. The petitioner may remain absconding from the jurisdiction of the court. On these grounds it is prayed to reject the petition.

4. Heard both sides.

5. Following points arise for my consideration:

1) Whether petitioner is entitled to be enlarged on anticipatory bail?

2) What order?

6. My findings on the above points are as under:

Point No.1 : In affirmative.

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

REASONS

Point No.1:

7. Perused the records. Initially, the Mundargi Excise police have registered a crime in crime No.33/2025-26 against petitioner and 4 accused persons for the offences punishable under Sections 11, 14, 15, 32(1), 38(A) & 43 of K.E. Act on the complaint of one Basavaraddi Ramaraddi Kittur (complainant).

8. Complaint shows that on 12-05-2026, under the direction of the Deputy Commissioner of Excise, Gadag District, and the guidance of the Deputy Superintendent of Excise, Sub-Division, Gadag, along with the Excise Inspector, Mundargi Zone, the complainant and staff conducted patrolling near Kadampur village bus stand, Mundargi Taluk. At about 2.30 p.m., two two-wheelers coming together from Lakundi side were intercepted. Upon search, petitioner-Ravi who is resident of Doni village, was found

transporting 280 liters of liquor valued at Rs. 9,600/- on his Bajaj Discovery motorcycle bearing registration No. KA-26-EC-0794. Similarly, accused Abdul Gafarsab s/o Abdul Rasoolsab Khazi, aged 77 years, resident of Doni village, was found transporting 8.640 liters of liquor valued at Rs. 4,800/- on his TVS XL-Super Heavy Duty motorcycle bearing registration No. KA-26-V-5366. In total, 25.920 liters of liquor valued at Rs. 14,400/- along with two vehicles valued at Rs. 60,000/- were seized under Panchanama. The acts constitute offences punishable under Sections 11, 14, 15, 38(A), and 43 read with Section 32(1) of the Karnataka Excise Act, 1965. Notices under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023 have been issued to the petitioner to appear. Investigation is directed to trace the ownership of the seized vehicles and property as per the voluntary statement of the petitioner. With these allegations F.I.R. came to be registered.

9. On perusal of the entire materials on record it appears that the petitioner is in possession of illicit liquor in his motor bike and same was seized under Panchanama. It is stated in the petition that the Police are trying to arrest petitioner. The petitioner has got apprehension that he may be arrested by the Police is a genuine ground. It is not shown that the petitioner is

habitual offender. Considering all these circumstances, I am of the opinion that there are no justifiable grounds to curtail the liberty of petitioner. Hence, it would be appropriate to grant anticipatory bail by imposing certain conditions. For these reasons, I answer the point under consideration accordingly.

Point No.2:

10. In the result, I pass the following:

ORDER

Petition filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Code of Criminal Procedure, 1973) is hereby allowed.

In the event of arrest of petitioner in connection with C.R.No.33/2025-26 of the respondent police, he shall be released on executing bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for likesum and subject to following:

CONDITIONS

- 1) Petitioner shall mark his attendance before the Investigating Officer on every Sunday between 10 a.m. to 5 p.m. till completion of investigation.
- 2) He shall assist in the investigation whenever directed by the Investigating officer.
- 3) He shall not tamper with the prosecution witnesses or 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 such facts to the court or to any other police officer.

4) He shall not indulge in the similar offences.

(Dictated to the Stenographer directly on computer, Script thereof is corrected and then pronounced by me in the open court on this the 04th day of June, 2026)

(NAGAVENI)
Prl. District & Sessions Judge,
Gadag.