

KAMS010017652026



**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, MYSURU.**

Dated this the 11th day of March 2026

PRESENT

Smt. Usharani, B.A.(Law), LL.B.,
Principal District & Sessions Judge,
Mysuru.

Crl.Misc. No.379/2026

Petitioner/accused: Kalamayigowda, S/o. Late
Marigowda, aged about 62 years,
R/at. # 145, Lakshmipura Village,
Naganahalli Post, Kasaba Hobli,
Mysuru Taluk.

(Reptd. by Sri U. Nagaraju, Advocate)

Vs.

Respondent: The State by Excise Police,
Mysuru Sub-Division, Range-1.

(Rep. by the learned Public Prosecutor, Mysuru)

ORDER

The bail petition has been filed by the petitioner/accused seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for short) in Crime No.21/2025-26 of respondent

Police, registered for the offences punishable under Sections 13(1)(a), 14, 32 and 38(A) of Karnataka Excise Act, ('KE Act' for short).

2. The brief facts of the case are that, on 11.12.2025 at about 10.00 a.m. when complainant Excise Inspector was on patrolling duty at Lakshmipura Village, he received credible information at about 10.30 a.m. regarding petitioner (accused) was illegally selling Toddy(Sendi) in his coconut plantation situated at Lakshmipura Village. Based on the said information, he went to the said spot along with Panchas at about 11.15 a.m. and on search, found no one at the spot, but found a blue colour bucket in front of the room attached to the chicken farm and inside the bucket, there was a saffron-colored pot containing 8 liters of toddy and 2 liters plastic water bottles containing 4 liters of toddy. Hence, seized the same under Mahazar in the presence of Panchas. Thereafter, based on the complaint, FIR has been registered in Crime No. 21/2025-26 for the aforesaid offences.

3. The grounds urged by the petitioner for grant of bail are as follows:-

Petitioner is the resident of Mysuru Taluk, aged 62 years and is having wife, children and grandchildren. He is the only earning member in the family. He is from respectable family. The alleged offences are not

punishable with death or imprisonment for life and triable by Court of Magistrate. He is apprehending arrest by the respondent police. He is ready to offer surety and abide by the conditions imposed by the Court. Hence, prayed to grant him anticipatory bail.

4. On service of notice and after furnishing copies of petition, the learned Prosecutor has filed objections stating that, there is prima-facie case against the petitioner. The alleged offences are punishable with imprisonment up to 5 years and fine of Rs.50,000/-. Petitioner is absconding and hence, he has to be arrested. If bail is granted to the petitioner, he may commit similar offence and may abscond or induce the prosecution witnesses and delay the process of law and cause loss to the State Ex-chequer. Hence, prayed to reject the bail petition.

5. Heard the arguments of the learned counsel for the petitioner and the learned Public Prosecutor for the respondent.

6. The points arise for my consideration are as follows:

1) Whether the bail petition filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 deserves to be allowed?

2) What order?

7. My answers to the above points are as hereunder:

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

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

REASONS

8. **POINT NO.1:** Learned advocate for the petitioner has argued that, petitioner is innocent of the alleged offences and the alleged offence is not punishable with death or imprisonment for life and hence, he is entitled for bail.

9. The leaned Public Prosecutor has strongly objected for granting bail to the petitioner on the ground that, there is prima-facie case against the petitioner.

10. On perusal of available documents, it is seen that, totally 12 liters of Toddy alleged to have been seized by the respondent police by conducting a Mahazar in the presence of panch witnesses. Hence, prima-facie it appears that petitioner is not required for interrogation in this case and part of the investigation has been completed.

11. It is pertinent to note here that, petitioner is the permanent resident of Lakshmipura Village, Naganahalli Post, Kasaba Hobli, Mysuru Taluk and District and hence, question of petitioner absconding does not arise. Further, he is ready to furnish surety and abide by the conditions imposed by the Court. Moreover, the alleged offences are not punishable

with death or imprisonment for life and triable by Court of Magistrate. Therefore, apprehension of Public Prosecutor can be safeguarded by imposing conditions on the petitioner. Under these circumstances, I opine that petitioner is entitled for anticipatory bail. Accordingly, I have answered point No.1 in the **affirmative**.

12. **POINT NO.2:** For the reasons stated above, I proceed to pass the following:

ORDER

Bail petition filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.

In the event of arrest of the petitioner by the respondent in Crime No.21/2025-26 for the offences punishable under Sections 13(1)(a), 14, 32 and 38(A) of Karnataka Excise Act, he shall be released on bail on executing personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum subject to the following conditions :-

- 1) Petitioner shall not tamper the prosecution witnesses.
- 2) He shall move for regular bail application before the concerned Court within a month from the date of this order.

- 3) He shall not commit any offence during the pendency of the case.
- 4) He shall co-operate for investigation and appear before the Investigating Officer whenever directed.

(Dictated to the Tab, typed the same by the Stenographer Grade-III on Computer and after corrections, then pronounced by me in open Court on this the 11th day of March 2026)

(Usharani)
Principal District & Sessions Judge,
Mysuru.