

KAMS010038562026



**IN THE COURT OF THE PRINCIPAL
DISTRICT AND SESSIONS JUDGE
AT MYSURU**

Dated this the 3rd day of June, 2026

PRESENT

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

Crl.Misc./806/2026

Petitioner/s:

1. Md. Ifteqar,
S/o Md Rabbani Miyan,
Aged about 25 years,
R/a: No.225 A,
7th cross, Vijayanagar,
Railway Layout, Mysuru

Also at: Chilla Galli,
Basavakalyan, Bidar,
Karnataka – 585 327
- accused No.1
2. Noor Ali Naveed @
Noor Ul Hassan Naveed,
S/o Mansoor Ali Hasan,
Aged about 31 years,
R/a: # 157, Ground Floor,
Ward No. 3,
Mahadeshwara Nagara,
Devaraja Mohalla, Mysuru.

Also at:
No.1-186/14, Hatti Kuni Road,
Dabeer Colony, Yadgiri,
Karnataka – 585 201
-accused No. 2

[By Sri Anjanappa, Advocate]

V/s.

Respondent/s:

State of Karnataka by
Excise Commissioner,
Mysuru Range – 2,
Rep by its Public Prosecutor,
Court complex,
Mysuru.

ORDERS

The bail petition is filed by the petitioners under Section 482 of BNSS, 2023, seeking anticipatory bail in Crime No.44/2025-26 registered by the respondent police for the offences punishable under Section 14, 15, 32, 38[A] of Karnataka Excise Act.

2. The brief facts of the case are that, on 23.2.2026, at about 2.45 pm, when complainant-Excise Inspector, Excise Dy. Commissioner's office, Mysuru Range-3, was on patrolling duty along with his staff in a bolero departmental vehicle bearing registration No.KA-09-G-745 at water tank near Mysuru Range-2 at Mahadeshwara Badavane, had seen displaying wine bottles at a shop by name dry fruits special, and hence he conducted raid and found following wine bottles:

- 750 ml Edanberg Bhagoba Red wine 5 bottles
- 375 ml Edanberg Bhagoba Red Wine 5 bottles
- 1 ltr Castillo DE Franch fruit wine 6 bottles

Totally 11.625 ltrs wines were found. Therefore mahazar has been drawn and on his suo-moto report, registered F.I.R. Crime No.44/2025-26 for the offences punishable under Section 14, 15, 32, 38[A] of Karnataka Excise Act.

3. The grounds urged for the bail are that, there is no prima facie case against the petitioners. They are innocent of the alleged offences and falsely implicated in this case. The alleged offences are not punishable with death or imprisonment for life. Petitioners are law abiding citizens and do not have criminal antecedents. They are the permanent residents of the address mentioned in the cause title. They are from respectable family. They are ready to furnish surety and abide by the conditions imposed by the Court. Hence prayed to grant them anticipatory bail.

4. On service of notice and after furnishing copies of petition, the learned Public Prosecutor has filed objections stating that there is prima facie case against the petitioners. The alleged offence is punishable with imprisonment upto 5 years and with fine of Rs.50,000/-. Petitioners by involving themselves in such activities causing loss to State Exchequer. If petitioners are enlarged on bail, they may destroy the prosecution evidence, threaten the witnesses and induce them. Hence, prayed to reject the bail petition.

5. Heard the arguments of the learned Advocate for the petitioners 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 petitioners under Section 482 of BNSS, 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:** The learned Public Prosecutor has strongly objected for granting bail to the petitioners on the ground that, there is prima-facie case against the petitioners and petitioners by illegally possessing the wine, caused loss to the State Exchequer.

9. The learned advocate for the petitioners has argued that the petitioners are from respectable families and that they have not committed any offence as alleged. Moreover, the alleged offences are not punishable with death or imprisonment for life.

10. It is important to note here that, petitioners are the permanent residents of Mysuru, and they are ready to furnish surety and abide by the conditions impose by the Court.

11. Further, almost half of the investigation is completed and the petitioners are not required for

custodial interrogation. Moreover, the alleged offences are not punishable with the death or imprisonment for life and triable by Court of Magistrate.

12. The very filing of FIR shows that, there is every chance of respondent police arresting the petitioners and hence if petitioners are arrested, they and their family members will be put to hardship. In view of the discussion made supra, I opine that by imposing conditions, bail can be granted to the petitioners and the apprehension of the prosecution can be safeguarded. Hence, the point No.1 is answered in the **affirmative**.

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

ORDER

This petition filed by the petitioners under Section 482 of BNSS, 2023 is hereby ***allowed***.

The respondent police is directed to release the petitioners on bail on their executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with one

surety for the like sum to the satisfaction of the respondent police in the event of their arrest in the case in Crime No.44/2025-26 of the respondent police for the offences punishable under Section 14, 15, 32, 38[A] of Karnataka Excise Act, subject to the conditions that:

1. Petitioners shall not tamper the prosecution witnesses.
2. They shall move for regular bail application before the concerned Court within a month from the date of this order.
3. They shall not commit any offence.
4. They shall co-operate for investigation and appear before the Investigating Officer whenever directed.

[Dictated to the tab, typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **3rd day of June, 2026**].

[USHARANI],
Principal District & Sessions Judge,
Mysuru.