

KAMS320001652026



**IN THE COURT OF THE VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR**

Dated this the 17th day of March 2026

-: P R E S E N T :-

Sri.T.GOVINDAIAH

B.Com., LL.B.,
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

Crl.Mis.No.5059/2026

PETITIONERS :

- 1. G.Venkatesh**
S/o Late Gajendrappa,
Aged about 46 years
R/at Guddagurki Village and Post,
Madakasira Taluk,
Mysuru District,
Andrapradesh.
- 2. C.Shivakumar**
S/o Chikkanna,
Aged about 50 years
R/at Hootagalli Village,
Yelawala Hobli,
Mysuru Taluk,
Mysuru District.

(By Sri.Kumaranayaka., Advocate)

- Vs -

RESPONDENT: **State of Karnataka by**
Excise Inspector of Police,
Hunsur Sub-Division,
Hunsur Range.

(Rep. By Public Prosecutor)

ORDER ON BAIL APPLICATION FILED U/S.482 OF B.N.S.S.

The petitioners have filed the present petition U/S 482 of B.N.S.S. for seeking anticipatory bail in Cr.No.21/2025-26 of Excise Inspector of Police, Hunsur Sub-Division, Hunsur Range, for the offences punishable under Secs.13(1)(c), 15, 15(1)(a), 32(2)(c), 38(A) of Karnataka Excise Act, 1965.

2. The case of the prosecution in brief is as under:

That on 20.01.2026 at about 7.00 a.m., when the complainant/Excise Inspector along with his Subordinate officials was engaged in patrolling their duty, on credible information they came to know that, at Bilikere towards near KSRTC bus stand accused having illegal stock of toddy and used to sell without having valid licence. The excise officials along with panchas they reached the spot belongs to the accused. When they searched

they found accused is illegally possessed toddy, totally 40 ltrs for the purpose of sale without having valid licence. Thereafter, they obtained the sample bottles for chemical analysis and came to know that, accused stored the above said toddy without having valid licence and committed the offences punishable under Secs.13(1)(c), 15, 15(1)(a), 32(2)(c), 38(A) of Karnataka Excise Act, 1965.

3. The Excise Officer started investigation, during which, the present petitioners/Accused have filed the present application for seeking anticipatory bail contending that, they are law abiding citizens and they are innocents. These petitioners have not committed any offences as alleged by the complainant. They have been falsely implicated by the Excise officials just to harass them. They hail from respectable family and is having deep roots in the society. They have no bad criminal antecedents. No prima-facie case is made out as against these petitioners. No materials on record to show that the petitioners have committed the alleged offences. They are permanent resident of address as shown in the cause title of the petition. They are Agriculturist and are the only

earning members in the family. They are ready to co-operate to the Investigation and they are ready to furnish surety and they are also ready to abide by all conditions which may be imposed by this court. Hence, prays for allowing the application.

4. On the other hand, the Learned Public Prosecutor has filed his objection to the present application, wherein Learned Public Prosecutor contended that, the petitioners are not entitled for bail. The offences alleged against petitioners/ accused are non-bailable and are punishable which may extend to imprisonment for 5 years and also with fine of Rs.50,000/-. The samples of seized liquor has to be sent to F.S.L. for chemical analysis to obtain the report. The statements of witnesses have to be recorded. The offence committed by the accused is causing loss to the exchequer of the State. The documents relating to spot of incident has to be obtained. If the bail is granted to the petitioners, they may tamper with the prosecution witnesses and that apart they may abscond from the jurisdiction. Therefore, the process of Investigation will be hampered. Further investigation is going on. If the bail is granted to the petitioners, they may not co-

operate with the Investigation Officer. The Excise Police need the accused for investigation. Hence, prays for rejecting the bail application.

5. Heard arguments of both the sides.

6. **The following points that would arise for my consideration are :**

1. Whether the petitioners/accused have made out grounds to allow the present bail application and they are entitled for anticipatory bail ?

2. What Order?

7. **My findings on the above points are as under:**

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

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

REASONS

8. **Point No.1:-** On perusal of the prosecution papers, it is clear that, the complainant has lodged the complaint against the accused alleging that, the petitioners have committed the offences punishable under Secs.13(1)(c), 15, 15(1)(a), 32(2)(c), 38(A) of Karnataka Excise Act, 1965. The investigation is going on.

It is not necessary to recover any liquor from the petitioners. Further, the alleged offences are not punishable with imprisonment for life or death sentence. Alleged offences are triable by Magistrate Court. In order to safeguard the personal liberty of the petitioners, it is just and proper to release them on anticipatory bail. These petitioners/accused are ready to abide by all the conditions which may be imposed by this court and they are also ready and willing to furnish surety to the satisfaction of the court. In order to safeguard the interest of prosecution, it is necessary to impose stringent conditions. Under such circumstances, this court is of the view that, it is necessary to grant anticipatory bail by imposing necessary conditions. **Accordingly, this court answered Point No.1 'in the Affirmative'.**

9. **Point No.2:-** In view of my findings on the above point, this court proceed to pass the following:

:: ORDER ::

Bail petition filed by
petitioners/accused no's.1 and 2 under
Sec.482 of B.N.S.S., is allowed.

Respondent/Excise Inspector of police is hereby directed to enlarge petitioners / accused no's.1 and 2 on bail in the event of their arrest in Cr.No.21/2025-26 of Hunsur Sub-Division, Hunsur Range, pending on the file of concerned jurisdictional Magistrate for the offences punishable under Secs.13(1)(c), 15, 15(1)(a), 32(2)(c), 38(A) of Karnataka Excise Act, 1965, on their executing personal bond for a sum of Rs.50,000/- each with one surety for the likesum on following conditions:

1. Petitioners/accused no's.1 and 2 shall co-operate with Investigation Officer for further process of investigation.
2. Petitioners/accused no's.1 and 2 shall not tamper with prosecution witnesses in any manner.
3. Petitioners/accused no's.1 and 2 shall appear before the learned Magistrate and file necessary application for grant of Regular bail within one month from the date of this order.
4. Petitioners/accused no's.1 and 2 shall mark their attendance before the Excise Inspector, Hunsur Excise Range, Hunsur Sub-Division, Mysuru

Dist., on every Monday between 10.00 a.m. to 6.00 p.m., for a period of 3 months or till filing of Charge-sheet, whichever is earlier.

5. Petitioners/accused no's.1 and 2 shall not indulge with offences of like nature.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the open court on this the 17th day of March 2026)

(T.GOVINDAIAH)

VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR