

KARC010010432026



Presented on : 09-03-2026

Registered on : 11-03-2026

Decided on : 26-03-2026

Duration : 0 years, 0 months, 17 days

**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE RAICHUR**

Dated this the 26th day of March, 2026

PRESENT

Sri Maruti S. Bagade,
B.Com., LL.B. (Spl),
Principal District & Sessions Judge,
Raichur.

Criminal Miscellaneous No.128/2026

Petitioner: Gangappa S/o Mallikarjuna
Age : 27 years, occ: coolie,
R/o : Kadloor village,
Tq & Dist. Raichur.

(Accused as per FIR)

**(Represented by
Sri. K.B, Advocate)**

// Vs //

Respondent : The State of Karnataka
by Raichur Rural Police Station,
Raichur.

**(Represented by the Public
Prosecutor)**

ORDER

This is the petition filed by the petitioner /
accused under Section 483 of Bharatiya Nagarik

Suraksha Sanhita (BNSS), 2023 seeking regular bail in Crime No.36/2026 of Raichur Rural Police Station, Raichur registered for the offences punishable under Sections 275, 286 & 123 of BNS 2023 (U/Sec.273, 284 & 328 of IPC) & Sec.32 & 34 of K.E Act.

2. The learned PP filed the objections.
3. Heard the arguments of learned counsel for petitioner and learned P.P and perused the records.
4. The points that would arise for my consideration are:

1) *Whether the petitioner is entitled to be released on regular bail?*

2) *What order?*

5. 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

6. **Point No.1:** On perusal of FIR what revealed is that one PC No.51 of Rural P.S while on duty on

21.02.2026 received an credible information regarding sale of toddy adulterated with C.H. Powder by Gangappa S/o Mallikarjuna near Tayamma temple, Shaktinagar, in public place and therefore he filed complaint before the SHO who in turn registered a case under Crime No.36/2026 and issued FIR for the offences punishable under Sections 275, 286, 123 of BNS 2023 (U/Sec.273, 284 & 328 of IPC) & Sec.32 & 34 of K.E Act and took up investigation. On the basis of complaint I.O visited the spot and saw accused person selling the toddy, hence I.O put raid and caught hold him and recovered 10 liters of toddy mixed with C.H. Powder, worth of Rs.500/- and one bag from his possession under panchanama in the presence of panchas and came back to P.S and after following the arrest procedure has produced the accused Gangappa before the II Additional Sr. Civil Judge & JMFC Raichur, who in turn remanded him to judicial custody. It is therefore, the petitioner has filed the present petition seeking his enlargement on

regular bail as provided under Section 483 of BNSS 2023.

7. During the course of argument the learned petitioner counsel has contended that, Rural police have booked a false case against the petitioner for statistical purpose. Learned counsel further contended that the petitioner doing coolie; only bread earning member of the family; has been detained in jail since 21.02.2026; ever since his family is suffering from financial crisis; not only that the further detention of the petitioner in jail is not necessary. The learned counsel further contended that, the petitioner is innocent, aged about: 27 years has not committed the offences as alleged in the FIR; that apart the offences alleged against the petitioner are not punishable with death or imprisonment for life. Learned petitioner counsel further contended that though the offence under Sec.123 of BNS 2023 is triable by the Sessions Court, it is not a ground to reject the bail. In the light of the above reasons

learned counsel prayed to release the petitioner on bail.

8. On the other hand, the contention of the learned PP is that huge quantity of toddy adulterated with C.H. Powder came to be recovered from the possession of the accused which is dangerous to human life. Under the circumstances if the accused is enlarged on bail, there are every chances of repetition of similar offences as well tampering the investigation, therefore, it is not fit case to grant the bail.

9. I have carefully examined the entire materials on record. No doubt the accused is aged about 27 years, that does not mean that it is a sole ground to enlarge him on bail, simply because he is behind the bars from 21.02.2026. It is matter of record that, the offences alleged against the accused are not punishable with death or imprisonment for life. It is pertinent to note that, at present there is no root

going evidence to support that the seized toddy is adulterated with C.H. Powder; still the FSL report has to come. It is well settled principles of law that in the guise of pending of investigation court cannot detain the accused behind bars for unlimited time. According to the observations of Hon'ble Supreme Court now a days bail is a rule and jail is an exception. In view of these reasons, I am of the confident opinion that, though investigation is under progress, it is not advisable to detain the petitioner behind the bars, for uncertain period because his presence neither required for custodial interrogation nor for inquiry/trial before the Court, hence, point No.1 under discussion is answered in the **affirmative.**

10. **Point No.2:** In view of aforesaid finding on point No.1, I proceed to pass the following:

ORDER

The bail application filed by the petitioner/ accused under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is hereby allowed.

Consequently, the petitioner is ordered to be enlarged on bail on execution of personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with a surety for the like sum, to the satisfaction of the learned Magistrate in Crime No.36/2026 of Rural Police Station registered for the offences punishable under Section 275, 286 & 123 of BNS 2023 & Sec.32 & 34 of K.E Act.

However, this bail order is subject to the following:

:CONDITIONS:

- 1) The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or any other prosecution witnesses so as to dissuade them from disclosing any facts to the Court or to the I.O.
- 2) The petitioner shall not involve in similar offences in future, failing which the bail granted in this case will be cancelled.

(Directly dictated to the Stenographer Grade-III on Computer, typed by him, corrected, signed & then pronounced by me in the open Court on this the 26th day of March, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
Raichur.

*ssp