

KARC010015132026



Presented on : 28-04-2026

Registered on : 29-04-2026

Decided on : 17-06-2026

Duration : 0 years, 1 months, 19 days

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

Dated this the 17th day of June, 2026

PRESENT

Sri Maruti S. Bagade,

B.Com., LL.B. (Spl),

Principal District & Sessions Judge &
C/C of II Additional Dist & Sessions Judge,
Raichur.

Criminal Miscellaneous No.230/2026

Petitioner: Tayappa S/o Tayappa,
Age : 50 years,
Occ : coolie,
R/o : Indira nagar
Raichur.

(Accused as per FIR)

(Represented by

Sri. Sharanappa Halli, Advocate)

// Vs //

Respondent : The State of Karnataka
by West 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.45/2026 of West Police Station, Raichur registered for the offences punishable under Section 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 prosecution papers what revealed is that, on 16.04.2026 at 16.30 hours,

when PSI Manjunath was in PS, he received a credible information regarding sale of toddy adulterated with C.H. Powder in public place in front of garden, near by Railway Station to the public by one person without any license or permit, thereafter he along with staff and panchas went to the spot, kept watch on the suspicious place and found one person selling the toddy, hence he caught hold him and on enquiry he disclosed his name as Tayappa S/o Tayappa who is accused in this case. Thereafter, informant found 35 plastic bottles, each bottle containing 01 liter toddy adulterated with CH Powder worth of Rs.1050/- in the possession of said person, hence he seized the adulterated toddy and powder and taken sample from toddy and CH Powder under panchanama, thereafter came back to police station along with seized articles and accused and lodged an information before the West police station.

7. On the basis of information, West police have registered the case under Crime No.45/2026 and

issued FIR for the offences punishable under Section 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 same day i.e. on 16.04.2026 during the course of investigation police have arrested the accused and produced before the jurisdictional Magistrate, 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.

8. During the course of argument the learned petitioner counsel has contended that, the West police have booked a false case against the petitioner / accused for statistical purpose. Learned counsel further contended that the petitioner doing coolie; he being a poor person has been detained in jail since 16.04.2026; 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: 50 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.

9. 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. Learned PP further contended that, 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.

10. I have carefully examined the entire materials on record. No doubt the accused is aged about 50 years, that itself is not a sole ground to enlarge him on bail, simply because he is behind the bars from 16.04.2026. According to prosecution story one thing is crystal clear that the petitioner was found in illegal possession of toddy adulterated with C.H. Powder and therefore this is nothing but an offence punishable under Sec.123, 275, 286 of BNS 2023. Section 123 of BNS 2023 deals with **causing hurt by means of poison or other stupefying substance with intent to commit an offence**. The punishment provided for the said offence is up to 10 years and fine and triable by the Session Court. Whereas Section 275 of BNS 2023 deals with **the sale of food or drink that is noxious and harmful**. Imprisonment provided for this offence is up to 6 months or fine of Rs.5000/- or both and triable by any Magistrate. Section 286 of BNS 2023 deals with **negligent conduct regarding poisonous**

substances. The imprisonment provided for this offence is up to 6 months or fine of Rs.5000/- or both and triable by any Magistrate. Therefore it is obvious that, the offence punishable under Sec.275 and 286 of BNS 2023 as well as the offences punishable under Sec.32 & 34 of K.E. Act are triable by any Magistrate. However the offence under Sec.123 of BNS 2023 not only punishable with imprisonment up to 10 years also triable by the Session Court. In my opinion at present there is nothing on record to show that the conduct of the accused attracts the offence under Section 123 of BNS 2023.

11. That apart the accused is behind the bars from 16.04.2026. Keeping in view of these reasons, as well as doctrine that bail is rule and jail is an exception, I am of the opinion that, there is no any kind of legal impediment for enlargement of petitioner on regular bail. Hence, point No.1 under discussion is answered in the **affirmative.**

12. **Point No.2:** In view of aforesaid reasons, 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.45/2026 of West Police Station registered for the offences punishable under Section 275, 286 & 123 of BNS 2023 & Sec.32 & 34 of K.E Act and on deposit of cash security of Rs.25,000/-.

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 and cash security will be confiscated to the State.

(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 17th day of June, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
&
C/C of II Additional Dist & Sessions
Judge, Raichur.

*ssp