

KARC010015872026



IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE
AT : RAICHUR

Criminal Miscellaneous No.261/2026

PRESENT

Sri B.B. Jakati,
B.A. LL.M,
Principal District & Sessions Judge
Raichur.

Dated this the 8th day of July 2026

- Petitioners:**
1. Mahesh S/o Eaanna
Age: 26 years, occ: coolie,
R/o H.No.4-4-194, Ashok nagar
B.R.B. Circle, Tq & Dist.
Raichur.
 2. Ramesh S/o Eaanna,
Age: 33 years, occ: coolie,
R/o H.No.4-4-194, Ashok nagar
B.R.B. Circle, Tq & Dist.
Raichur.
(Accused No.1 & 2 as per FIR)

(By Sri. G.S.V, Advocate)

// Vs //

Respondent: The State through Excise Department
Police Station, Raichur.

(By Ld. Public Prosecutor, Raichur)

ORDER

This petition is filed under Section **482 of BNSS** for anticipatory bail in **Cr.No.33/2025-26** of Excise Police Station Raichur, which is registered for the offences punishable under Sec.21(c), 25, 60, 8(c) of NDPS Act and Section 13, 14, 15, 38(A) and 43 of Karnataka Excise Act.

2. The case of the prosecution is that the PSI of the Excise Department, Kalaburagi Division, visited Raichur on 24.04.2026. On the same day, at about 7.15 a.m., while he was at Rajendra Gunj Circle, Raichur, he received credible information that accused Nos. 1 to 3 were manufacturing contaminated toddy, possessing narcotic drugs, and selling such drugs to the general public. Therefore, at about 7.55 a.m., he proceeded to the house compound of accused No. 3 along with panch witnesses and his subordinates. He noticed accused Nos. 1 to 3 at the spot, but all of them fled after noticing the Excise officers. Thereafter, the PSI recorded the reasons for conducting the search of the compound of accused No. 3 and conducted the search in the presence of the panch witnesses. During the search, he found 200 grams of Alprazolam, 500 grams of white paste, and 1,325 litres of contaminated toddy. He also found three motorcycles bearing registration Nos. KA-36/HB-0331, KA-36/EA-4174, and KA-36/R-1926. He seized all the articles in the presence of the panch witnesses by drawing a panchanama. Thereafter, he registered a case in Crime No. 33/2025-26 against accused Nos. 1 to 3 for the offences punishable under Sections 21(c), 25, 60, and 8(c) of the NDPS Act and Sections 13, 14, 15, 38A, and 43 of the

Karnataka Excise Act, and took up the investigation. Accused Nos. 1 and 2, who are named in the FIR, apprehend their arrest and have, therefore, approached this Court seeking anticipatory bail.

3. The prosecution has filed its objections, narrating the seizure of the narcotic drug and other articles, including the vehicles, from the scene of occurrence. A case in Crime No. 44/2025-26 has been registered against the petitioners for the offences punishable under Sections 21(c), 25, 60, and 8(c) of the NDPS Act and Sections 13, 14, 15, 38A, and 43 of the Karnataka Excise Act. It is further contended that the petitioners have criminal antecedents. If they are released on bail, they are likely to repeat similar offences.

4. Learned counsel for the petitioners argued that the allegations levelled against the petitioners are false. None of the narcotic drugs shown in the panchanama were recovered from the possession of the petitioners or at their instance. Therefore, the offences alleged in the FIR are not attracted against the petitioners. The petitioners are innocent, and their custodial interrogation is not required. If they are arrested, they would be subjected to humiliation. The petitioners undertake to appear before the Investigating Officer as and when required and to co-operate with the investigation. On these grounds, he prayed to enlarge the petitioners on anticipatory bail.

5. The learned Public Prosecutor argued that another case in Crime No. 44/2025-26 has been registered against the petitioners, which is also pending before this Court. The petitioners have criminal antecedents. If they are released on bail, they are likely to repeat

similar offences and may not co-operate with the investigation. On these grounds, he prayed to reject the bail petition.

6. I have perused the records.

7. The only point that arises for my consideration is:

Whether the petitioners are entitled for anticipatory bail ?

8. My finding is in the **negative** for the following:

REASONS

9. It is the specific case of the prosecution that accused No.1 to 3 were present at the scene of occurrence when the PSI and his subordinate staff conducted the raid, and that they fled from the scene to evade arrest. The Excise Officer seized three motorcycles from the scene of occurrence. Further, 200 grams of Alprazolam, 500 grams of white paste, and 1,325 litres of contaminated toddy were recovered by the PSI under a panchanama. The panchanama shows the details of the narcotic drugs and other articles seized from the scene of occurrence, and the seizure was duly reported to the Court. The seized articles are in the custody of the Excise Department. Therefore, there are sufficient materials on record to show that the Alprazolam, white paste, and contaminated toddy referred to above were seized from the scene of occurrence and that, at the time of the raid, the petitioners were present at the spot along with the contraband. Thus, there is a prima facie case against the petitioners.

10. Section 8 (c) of NDPS Act prohibits manufacturing or possessing of narcotic drugs or psychotropic substances. Section

21(c) of NDPS Act provides punishment for Section 8(c) of NDPS Act. Therefore, contravention Section 8(c) of NDPS Act is punishable with imprisonment for a term which shall not be less than ten year but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees. Punishment prescribed for the offence punishable under Sec.38(A) of Karnataka Excise Act shown in the FIR is less than punishment prescribed for the Section 21(c) of NDPS Act.

11. Under the provisions of the NDPS Act, the Central Government has notified the small and commercial quantities of narcotic drugs and psychotropic substances by way of the Notification dated 19.10.2001. At Sl. No. 178 of the said Notification, the small quantity of Alprazolam is specified as 5 grams, whereas the commercial quantity is specified as 100 grams. In the present case, 200 grams of Alprazolam has been seized from the possession of the petitioners. Therefore, the quantity of Alprazolam allegedly seized is a commercial quantity.

12. The special provision relating to the grant of bail is contained in Section 37 of the NDPS Act. Section 37(1)(b)(ii) of the NDPS Act provides that where the Public Prosecutor opposes the bail application, the Court must be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. Only upon satisfaction of these twin conditions can the accused be released on bail. Since the quantity of Alprazolam allegedly seized

from the petitioners is a commercial quantity, the rigours of Section 37(1)(b)(ii) of the NDPS Act are attracted to the present case.

13. The prosecution has placed sufficient material on record to show that 200 grams of Alprazolam, 500 grams of white paste, and 1,325 litres of contaminated toddy were recovered from the scene of occurrence. Apart from this, the prosecution has contended that Crime No. 44/2025-26 has also been registered against the petitioners for the offences punishable under Sections 21(c), 25, 60, and 8(c) of the NDPS Act and Sections 13, 14, 15, 38A, and 43 of the Karnataka Excise Act, and the petitioners have not disputed the registration of the said case. Thus, the petitioners have criminal antecedents.

14. Having regard to these facts and circumstances, I am of the opinion that, if the petitioners are released on bail, they are likely to commit similar offences or any other offence while on bail. Further, there is no material placed on record to enable this Court to form an opinion that there are reasonable grounds for believing that the petitioners are not guilty of the offences alleged in the FIR. Therefore, the petitioners have failed to satisfy the mandatory requirements under Section 37(1)(b)(ii) of the NDPS Act.

15. Therefore, having regard to the nature of the allegations against the petitioners, the punishment prescribed for the offences, and the rigours of Section 37(1)(b)(ii) of the NDPS Act, I am of the opinion that the custodial interrogation of the petitioners is necessary. If they are released on bail, they are likely to repeat similar offences.

Hence, the petitioners are not entitled to the grant of anticipatory bail. Accordingly, the point under discussion is answered in the **negative** and I proceed to pass the following:

ORDER

The petition filed under Sec.482 of BNSS, is hereby dismissed.

(Dictated to the Stenographer Grade-III, transcribed and typed by him, same is corrected, signed and pronounced by me in the open Court on this the 8th day of July, 2026).

(B.B. Jakati)
Principal District & Sessions Judge
Raichur.

*ssp