

KASM600003132026



**IN THE COURT OF V ADDL. DISTRICT &
SESSIONS JUDGE, SHIVAMOGGA,
(SITTING AT SAGAR)**

Present : SRI. RAVINDRA R., B.A.L., LL.M.,
V Addl.District & Sessions Judge,
Shivamogga. (Sitting at Sagar).

Dated this the 8th day of June, 2026

Crl.Misc.No.10136/2026

PETITIONER: Akshay Jagannatha Mesta,
S/o Jagannatha Mesta,
Aged about 24 years,
R/at Prabhavati Nagara,
Honnagara Taluk,
Uttara Kannada District.

[represented by—
Sri.B.N.Uday Kumar - Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Excise Sub Inspector,
Sagar Sub Division,
Sagar,
Shivamogga District.
[represented by:
Public Prosecutor]

ORDER

This petition is filed by the petitioner under Section 482 of B.N.S.S. seeking a direction to respondent/Excise inspector to release him on bail in the event of his arrest in Excise Cr.No.055/2025-26/053664DYSE/1744411, registered by the respondent Police for the offences punishable under Sections 11, 15, 32(1), 38 (A) and 43(A) of Karnataka Excise Act 1965.

2. Brief facts that led to this petition are under:

One Sheela Dharajkar., Deputy Superintendent of Excise-Sagar Sub Division, Sagar lodged first information before the respondent police stating that, on 24.04.2026, at about 2.15 p.m., when she was on patrolling duty along with her staff near the Sagar railway station, she received credible information that the accused is illegally transporting the liquor behind the railway track of Srinagar-Sagar road, Sagar town. Hence, she along with her staff were going in the jeep via Srinagara on the Analekoppa road, behind the railway track road. At that time, one person on seeing her jeep, stopped his bike and ran away from the spot. After inspecting the bike, she found 2 liters of spurious liquor prepared by using cashew

fruit. Hence, she lodged first information to take action against the accused.

3. Based on the said information, the respondent Police registered FIR against the accused. Now, the petitioner, who is apprehending his arrest at the hands of respondent/Excise inspector, has filed this petition seeking pre-arrest bail on the following amongst other **grounds**:

He is innocent of the offences alleged against him and he has been falsely implicated in the case. He has not committed any offences as alleged by the first informant. He was not transporting liquor as alleged in the first information. No prima-facie case is made out against the petitioner. He has undertaken to abide by any terms and condition that may be imposed by this court while granting bail. On these among grounds, he has sought this court to grant pre-arrest bail.

4. The bail petition is opposed by learned Public Prosecutor by filing objections. It is contended that the petitioner has committed serious offences. There is a prima-facie case against him. Investigation is still in progress. At this stage, if the petitioner is released on bail, there are chances of he giving threat to witnesses, destroying evidence, abscond

permanently and derail the investigation process. Hence, prayed to reject the petition.

5. The following points arise for my determination:

1. Whether the petitioner has made out sufficient grounds for grant of anticipatory bail?
2. What order?

6. My findings to above points are:

Point No.1: In Affirmative,

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

REASONS

7. **Point No.1** : The petitioner along with petition has produced certified copies of FIR, first information, notice issued to panchas, spot mahazar and list of articles form.

8. The petitioner is accused of commission of offences punishable under Sections 11, 15, 32(1), 38 (A) and 43(A) of Karnataka Excise Act 1965. As the offences under Section 32(1), 38 (A) and 43(A) of Karnataka Excise Act are non bailable, apprehension of accused/petitioner of his arrest is well founded. As such, he can maintain this petition.

9. The learned counsel for petitioner urged that the petitioner has not committed any offences as alleged by the first informant. He has been falsely implicated in the case. On the other hand, the learned P.P. submitted that there is a prima-facie case against the petitioner. If he is released on bail, there are chances of he giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process.

10. The allegations made against the petitioner are that, he was transporting the liquor illegally. It is the contention of the petitioner that, he has not committed any offences as alleged by the first informant. No prima-facie case is made out against the petitioner. He has been falsely implicated in the case.

11. Perusal of the records reveal that, the petitioner is a resident of Honnavara Taluk, Uttarakannada District. It is the specific contention of the petitioner that he has not committed any offences as alleged in the first information. However, the allegations made against the petitioner have to be proved at full-fledged trial. In the facts made out, the custodial interrogation of petitioner is not required. The offences alleged against the petitioner is not punishable either with death or imprisonment for life. He has undertaken to abide by any

terms and conditions. There are no allegations of accused-petitioner is having criminal antecedents. In the facts and circumstances made out, considering the gravity of the offences, I am of the opinion that the accused-petitioner is entitled for an order of pre-arrest bail. Accordingly, point under consideration is answered in **Affirmative**.

12. **POINT No.2:** In view of the above discussions and finding to above point, I proceed to pass the following:

ORDER

The petition filed by petitioner under Section 482 of B.N.S.S., is hereby allowed.

Consequently, in the event of arrest of petitioner in Cr.No.055/2025-26/053664DYSE/1744411, registered by the respondent Police for the offences punishable under Sections 11, 15, 32(1), 38 (A) and 43(A) of Karnataka Excise Act 1965, he is ordered to be released on bail, on his executing personal bond for a sum of Rs.1,00,000/- with one surety for like-sum to the satisfaction of the investigation officer on the following conditions:

1. The petitioner shall appear before the Investigation officer on or before one month from the date of this order and in that event the investigation officer to take bonds and to release him.

2. He shall appear before the Investigating Officer as and when called upon and to extend fullest co-operation in the investigation.

3. He shall not give threat to the prosecution witnesses in any manner.

4. He shall not indulge in similar offences in any manner.

5. He shall appear before the Court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.

(Typed to my dictation by Stenographer directly on Computer, corrected by me and then pronounced in the open Court on this the **8th Day of June, 2026**)

(Ravindra R.)

V Addl.District & Sessions Judge,
Shivamogga. (Sitting at Sagar).