



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TUMAKURU.**

PRESENT

Sri. B. JAYANTHA KUMAR, B.A. LAW., LL.M.,
Principal District and Sessions Judge,
Tumakuru.

Dated this the 03rd day of June, 2026

CRIMINAL MISCELLANEOUS No.818/2026

**Petitioner/
Accused** : D.K. Revanna S/o Kempayya,
Aged about 62 years,
R/at Doddathimmyyanapalya Village,
Hirehalli, Urdigere Hobli,
Tumakuru Taluk and District.

(By Sri.Naveen Kumar.M.G., Advocate)

Vs.

Respondent : State by Excise Sub-Inspector-1,
Tumakuru North Range, Tumakuru
Sub-Division, Tumakuru District.

**(By learned Public Prosecutor,
Tumakuru)**

O R D E R

This petition is filed by the petitioner/accused under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita,
2023 ("B.N.S.S." for short), seeking anticipatory bail



apprehending his arrest in FIR No.043/2025-26/033766208SIE1/2816257, registered by the respondent - Excise Department for the offences punishable under Sections 14, 15, 32(1), 38(A) of the Karnataka Excise Act, 1965.

2. In the petition, the petitioner/accused contended that he is innocent, law abiding citizen and has not committed any offence as alleged in the complaint. It is further contended that petitioner is the permanent resident of the address as mentioned in the cause title of the petition and having movable and immovable properties in his native, as such, there is no chance of fleeing away from justice. Petitioner is not having any knowledge about selling liquor and the alleged seized liquor does not belongs to him and same is created one. Petitioner is the only bread earning member in his family and the family members are depending upon his income. The respondent police are making hectic efforts to arrest the petitioner and parade him in the open street with handcuffs, with an intention to defame his reputation in the locality. It is further contended that petitioner is ready to offer substantial surety to the satisfaction



of the Court, he is ready to abide by the conditions that may be imposed by this Court and prayed for granting anticipatory bail.

3. The learned Public Prosecutor opposed the petition by filing objection and contended that the materials collected so far by the investigating officer during the course of investigation and the contents of the F.I.R. prima-facie reveals that the petitioner/accused has committed the alleged offences. Petitioner has not mentioned any valid grounds to allow this petition, the investigation is in progress, statement of witnesses are yet to be recorded and FSL report is yet to be collected and at this stage, if the anticipatory bail is granted to him, he may abscond, he may commit similar offence, he may hamper the investigation and tamper the prosecution witnesses and hence, prayed for rejecting the anticipatory bail petition.

4. Heard the arguments of learned counsel for the petitioner and the learned Public Prosecutor.

5. The following points arise for my determination:

1. Whether the petitioner/accused has made out good grounds for an order of



anticipatory bail?

2. What order?

6. My findings on the above points are as follows:

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

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

REASONS

7. **Point No.1:** Excise Department, Tumakuru North Range, Tumakuru Sub-Division, Tumakuru District, registered a case in FIR No.043/2025-26/033766208SIE1/2816257 against the petitioner/accused alleging the offences punishable under Sections 14, 15, 32(1), 38(A) of the Karnataka Excise Act, 1965.

8. In this case, the first informant is none other than the Excise Sub-Inspector, Tumakuru South Range, Tumakuru Sub-Division and based on her information, the aforesaid case is registered.

9. In the first information, the informant alleged that on 30.04.2026 at about 2.00 p.m., based on credible information, the Excise Sub Inspector-1 along with his staff had been to the petty shop of accused which was situated at



Booragamaradapalya Village, Urdigere Hobli, Tumakuru Taluk, conducted raid on the said shop and they found the accused in possession of 47 Original choice whiskey tetra packets of 90 ml each, in total 4.230 liters liquor in the white colour plastic bag with an intention to sell the same without having any licence or permit, she has seized the said liquor by conducting mahazar and thereafter, registered a case against the accused alleging that there is contravention of Secs.14 and 15 of the Karnataka Excise Act, which are punishable U/Secs.32(1), 38(A) of the Karnataka Excise Act, 1965 and she issued notice to the accused U/Sec.35(3) of BNSS.

10. The learned counsel for the petitioner/accused argued that on going through the records, it reveal that the petitioner/accused is not in possession and selling any liquor seized through mahazar and same is created and concocted, which clearly goes to show that a false case has been foisted against the petitioner/accused, in-fact, petitioner is innocent, he has not at all committed any offence as alleged against him and at the instigation of the inimical persons, the respondent excise



officials are making efforts to arrest the petitioner and he reasonably apprehends his arrest by the respondent excise officials on the accusation of non-bailable offences, he is ready to abide by the conditions that may be imposed by this Court and hence, prayed for granting anticipatory bail.

11. The learned Public Prosecutor vehemently argued that the accused/petitioner without any valid permit or licence, found in possession and selling the liquor illegally in his petty shop, there are no good grounds to allow this petition and the investigation is in progress, at this stage, if the accused is released on bail, he may abscond, he may commit similar offences, he may hamper the investigation and tamper the prosecution witnesses and hence, prayed for rejecting the bail application.

12. The petitioner has produced the certified copy of F.I.R., list of articles seized, spot mahazar, search notice, copy of sample seal, search warrant, notice issued to accused U/Sec.35(3) of BNSS, Hash value mahazar, copy of his Aadhaar card along with petition. The learned public prosecutor has



produced I.O. report along with objections.

13. In this case, the material objects are seized. The offences alleged against the petitioner/accused are not punishable with death or imprisonment for life. The allegations levelled against the petitioner/accused are all question of facts, which needs to be proved by the prosecution at the time of full fledged trial. The petitioner/accused is not required for custodial interrogation. The petitioner/accused is the permanent resident of the address as shown in the cause title of the petition, as such, there is no chance of fleeing away from justice. Petitioner/accused is ready to abide by the conditions that may be imposed by this Court. The apprehension of the prosecution is that if the anticipatory bail is granted, the petitioner/accused may abscond, he may hamper the investigation and tamper the prosecution witnesses. The aforesaid apprehensions of the prosecution, could be meted out by imposing certain conditions. Therefore, this is a fit case to grant anticipatory bail. With these observations, I answer the point No.1 in the **Affirmative**.

14. **Point No.2:-** In view of my findings on point No.1, I



proceed to pass the following:

ORDER

The petition filed by the petitioner/accused under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby **allowed**.

The petitioner is ordered to be released on bail on executing personal bond for Rs.50,000/- with one surety for the like-sum in the event of his arrest by the respondent Excise Department in FIR No.043/2025-26/033766208SIE1/2816257 for the offences punishable under Sections 14, 15, 32(1), 38(A) of the Karnataka Excise Act, 1965, subject to the following conditions;

1. The petitioner/accused shall surrender before the I.O. within three weeks from today and on such surrender, he shall be arrested in FIR No.043/2025-26/033766208SIE1/2816257 of respondent Excise Department, interrogated if necessary, information and documents if any be secured and thereafter be released on bail subject to the execution of bond as aforesaid.



2. The petitioner/accused shall not abscond or destroy the evidence or threaten the witnesses and shall appear before the investigating officer as and when required.
3. The petitioner/accused shall mark his attendance before the concerned Excise Department once in 3 weeks preferably on Sunday between 10-00 a.m. and 6-00 p.m. till filing of the final report.
4. The petitioner/accused shall not involve in any kind of offence.

(Dictated to the Stenographer directly on computer, corrected it, taken out print, signed and then pronounced by me in the open Court on **03rd day of June, 2026**)

(B. Jayantha Kumar)
Principal District and Sessions Judge,
Tumakuru.