



**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE TUMAKURU, SITTING AT MADHUGIRI**

DATED THIS THE 04TH DAY OF JUNE 2026

-: PRESENT:-

**SMT. SUMANGALA S BASAVANNOUR, B.COM., L.L.M.,
IV ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU-MADHUGIRI**

Crl.Misc.No.5196/2026

Petitioner/ : Babannagari Suchindra,
S/o Babanna Gari
Lakshminarasimhappa,
Aged about 35 years,
R/of 8-68, Chowluru,
Ramachandrapuram,
Hindupur Mandal,
Sathya Sai District,
Andhra Pradesh.

[By – Srinivasa - Advocate]

V/S

Respondent : The State by Excise Police,
Madhugiri Range,
Madhugiri Sub Division.

[By - Pubic Prosecutor]

**ORDER ON BAIL PETITION FILED BY THE
PETITIONER/ACCUSED UNDER SECTION 482 OF
BHARATHIYA NAGARIK SURAKSHA SANHITA, 2023.**

The present petition filed by the petitioner under
section 482 of Bharathiya Nagarik Suraksha Sanhita, 2023



seeking anticipatory bail in crime No.43/2025-26/033768215SIE1/2413943 registered by the respondent Excise Police, Madhugiri Range, Madhugiri Sub Division, for the offenses punishable under section 11, 13(1)(a), 14, 32(1), 38(A) and 43(A) of the Karnataka Excise Act, 1965. The FIR registered against the petitioner on the basis of first information dated 24.05.2026 given by Sateesh.S, Excise Inspector, Madhugiri Range, Madhugiri Sub-Division.

2. As per first information it is allegations against the petitioner is that, on 24.05.2026 at about 7-15 p.m, when first informant and his team were on patrolling duty on Pulamachi-Garani road, based on suspicion they verified a two wheeler Hero Honda Splendor bearing registration No.KA-50-Q-7334 found 10 liters of toddy liquor, 6 liters of toddy in a 2 liter capacity of 3 plastic bottles on its petrol tank and in the side bag of the said vehicle they found 5 liters of toddy in 1 plastic can in total 21 liters. The petitioner illegally transporting the said toddy liquor. The Excise Police seized said liquor (Thoddy) and issued notice to the petitioner under section 35(3) BNSS and registered crime against the accused by the respondent police.

3. The present petition filed by the petitioner seeking anticipatory bail, in the above said crime. In the petition it is



stated that the respondent police have registered the above FIR for the offenses punishable under section 11, 13(1) (a), 14, 32(1), 38(A) and 43(A) of the Karnataka Excise Act, 1965. The petitioner has not committed any offence as alleged in the FIR. The petitioner is permanent residence of Ramachandrapuram Village, Hindupur Mandal, Sathya Sai District, A.P. He is having moveable and immovable properties in his native. The alleged offences are not punishable with death or imprisonment for life. He is law abiding citizen and abide conditions imposed by this Court as well as jurisdictional Court. He will appear on all future hearing dates before this Court till disposal of the case. The petitioner is bread earning member in his family and having old age parents, who are all depending upon this petitioner. With the above grounds prays to grant bail.

4. The Learned Public Prosecutor opposed bail petition on the ground that the petitioner is not entitled to bail because he has committed offence punishable under section 32, 38 of Excise Act which is heinous offence and non-bailable in nature. The petitioner may commit similar offence if he is released on bail. The petitioner is influential person in the society hence if the petitioner is released on bail there is every chance to abscond from the jurisdiction of this Court and may tamper the prosecution witnesses. Therefore, at



this stage the petitioner is not entitled to bail. With above grounds pray to reject the bail petition. With the above grounds prays to reject the petition.

5. I have heard the parties and perused the materials on record. The points that arise for my consideration is:-

1] Whether the petitioner/accused made grounds to grant anticipatory bail under section 482 of BNSS in crime No.43/2025-26/033768215SIE1/2413943 registered by the respondent Excise Police, Madhugiri Range, Madhugiri Sub Division, for the offenses punishable under section 11, 13(1)(a),14, 32(1), 38(A) and 43(A) of the Karnataka Excise Act, 1965,?

2] What order, ?

6. My answer to the above said point which as under.

1. Point No.1 : In the Affirmative;

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

:-REASONS:-

7. **POINT NO.1:-** In the case on hand, it is allegation that toddy liquor seized from the accused by issuing notice section 35(3) of BNSS. The Excise Police have seized the toddy liquor from the petitioner. It shows that the custody of



the accused/petitioner is not required to the Investigating Officer. The Investigating Officer need not detect information from the accused by keeping him in the custody. From the nature of the allegations the custodial interrogation of the petitioner is not required. The allegations are not punishable with imprisonment for death or life. The prosecution is depending on official witnesses and the petitioner is not in a position to tamper the prosecution witnesses.

8. In the case on hand, the entire case of prosecution is depending upon the witnesses belongs to the respondent Excise Authority. For the purpose of investigation the custody of the petitioner is absolutely not necessary. Though the respondents have caught hold the accused have released him by issuing notice section 35(3) of BNSS. That circumstance is sufficient to say that his custody is not required to the Investigating Officer. From the facts and circumstances of the case, I feel this is not a fit case to reject the bail petition. Hence I answer point No.1 in the Affirmative.

9. **POINT NO.2:-** In view of my finding on point No.1, I proceed to pass the following:-

**:-ORDER:-**

The bail petition in Crl.Misc.No.5196/2026 filed by the petitioner/accused under section 482 of Bharathiya Nagarik Suraksha Sanhita, 2023, is herewith allowed. The petitioner/accused is granted anticipatory bail in crime No.43/2025-26/033768215SIE1/2413943 registered by the respondent Excise Police, Madhugiri Range, Madhugiri Sub Division, for the offenses punishable under section 11, 13(1)(a),14, 32(1), 38(A) and 43(A) of the Karnataka Excise Act, 1965. In the event of arrest of the petitioner in the above said crime the arresting authority is directed to release him on bail on the following conditions.

1. The petitioner/accused shall execute personal bond for sum of Rs.1,00,000/- with two solvent sureties for like sum.
2. The petitioner/accused shall appear before the Jurisdictional Magistrate within 15 days from the date of this order for the purpose of execution of bail bond and sureties.
3. The petitioner/accused shall make him selves availability for interrogation by the Investigating Officer as and when required.



4.The petitioner/accused shall not leave jurisdiction of this Court without prior permission.

5. The petitioner/accused and his sureties shall furnish permanent and present address proofs, both residential and official if any.

6. The petitioner/accused and his sureties to intimate the concerned court as well as the concerned police regarding any changes in address with proof, in the form of an affidavit.

7. The petitioner/accused shall not indulge in any criminal activities.

8. The petitioner/accused shall not threaten prosecution witnesses and tamper prosecution witnesses.

9. The petitioner/accused shall appear before the IO on every third Sunday of every month for a period of 3 months or till filing final report, whichever is earlier.

10. If any of the above conditions are violated by the petitioner/ accused the bail granted now shall stand canceled without further order from the court.

*(Dictated to the stenographer, same is corrected, signed and then pronounced by me in the open court, on this the **04th day of June, 2026**)*

sd/-

(SUMANGALA S BASAVANNOUR)
IV Additional District & Sessions Judge,
Tumakuru, Sitting at Madhugiri