



**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TUMKUR (SITTING AT TIPTUR).**

Dated this 3rd day of June, 2026

Present:

**SRI. HEMANTH KUMAR. C.R. B.A.L., L.L.B.,
V Addl. District and Sessions Judge
Tumkur (Sitting at Tiptur)**

Crl. Misc. No.10204/2026

Petitioner/s : 1. Sharanappa
S/o Shivappakatar
Aged about 25 years,
R/o : Vajrabandi,
Yalaburga Taluk,
Koppala District

2. Eranna Koteppa Badiger
S/o Koteppa
Aged about 34 years,
R/o : Mundavada Village,
Mundaragi Taluk,
Gadaga District.

(By; Sri.M.B.K., Advocate)

V/s

Respondent : State by
Huliyar Police Station

(By Public Prosecutor)

**Order on bail petition filed U/sec 482 of Bharathiya Nagarika
Suraksha Sanhita 2023**

This petition is filed by the petitioners seeking anticipatory
bail U/Sec.482 of BNSS, 2023 in Crime No.15/2026 of Huliyar



Police station for the offences punishable U/Sec.3 & 7 of Essential Commodities Act, 1955.

2) The brief facts of the case :

The complainant Raghul A.C. S/o Late. Chikkahanumaiah has lodged the complaint on 17.01.2026 at about 4.30 p.m., stated that the Station House Officer/In-charge Sub-Inspector of Huliya Police Station, Chittraranjan had submitted a requisition stating that while on night patrol duty in Huliya Town, at about 3.00 a.m., on 17.1.2026, he noticed a Canter vehicle parked on the tar road in front of Vidyavaridhi School, Huliya Town and its driver was urinating by the roadside. Upon questioning the driver disclosed his identity as Sharanappa S/o Shivappa Katar, working as a driver and residing at Vajrabandi Village, Yelburga Taluk. When questioned regarding goods being transported in the vehicle, the driver stated that the vehicle was carrying bags of rice. Upon being asked to produce documents relating to the rice bags, he failed to furnish any valid records. The vehicle was thereafter inspected and found to contain plastic bags filled with rice, the openings of which had been tied. The registration number of the vehicle was found to be KA-26-B-3668, an Eicher Canter. The vehicle was subsequently brought to the premises of Huliya Police Station. Pursuant to the requisition received from the police seeking verification as to whether the rice bags contained Public Distribution System (PDS) rice, whether any authorization had been obtained for transporting the same and to ascertain the total weight and value of the rice, the complainant visited the Huliya Police Station premises on 17.01.2026. Upon



verification, he found the Eicher Canter bearing Registration No.KA-26-B-3668 parked within the station premises. The vehicle contained several polythene bags filled with rice. With the assistance of departmental hamalis and labourers, the bags were opened and inspected and it was found that the rice contained Fortified Rice, which is supplied by the Government under the Public Distribution System after fortification with Vitamin B12, Folic Acid and Iron. Therefore, on preliminary examination, the rice appeared to be PDS rice meant for public distribution. The vehicle was found carrying a total of 363 rice bags. Upon weighing through an electronic weighing scale, each bag was found to weigh approximately 48 to 50 kilograms. The total quantity of the rice was assessed at 176.80 quintals. At the prevailing OMSSD rate of Rs.23.20 per kilogram, the total value of the rice was calculated at Rs.4,10,176/-. The complainant further alleged that the said vehicle was not an authorized vehicle for transporting PDS rice. Therefore, it appeared that the rice was being illegally transported for sale in the black market with an intention to earn unlawful profits. Upon further enquiry, the driver Sharanappa stated that one Eranna Badiger S/o Koteppa Mundawag resident of Mundargi, Gadag District had loaded the rice and instructed him to transport it from Mudargi to Mandya. The driver failed to produce any documents authorizing such transportation. Therefore, the complainant alleged that Sharanappa S/o Shivappa Katar, driver of the Eicher Canter bearing Registration No.KA-26-B-3668, and Eeranna Badiger S/o Koteppa Mundawag, resident of Mundargi, Gadag District, had illegally transported PDS rice for sale in black market with an intention to make unlawful



gains and requested to take legal action against them. As such alleging the said facts, the complainant has lodged the complaint and the police on receipt of the said complaint have registered the case in Crime No.15/2026 for the offences punishable U/Sec.3 & 7 of Essential Commodities Act, 1955.

3) The petitioners being accused persons aggrieved by the same has preferred this bail petition on the following among other grounds:

The petitioners submit that the petitioners are innocent persons and have not committed any offence as alleged in the FIR and they have been falsely implicated in the present case. The petitioners further submit that the petitioner No.1 and 2 are permanent residents of the address mentioned in the cause title and the petitioners are respectable members of society having permanent residence and family ties and there is no possibility of their absconding. The petitioners further submit that the petitioners apprehend arrest by the respondent police and the petitioners are sole earning members of their respective families and are responsible for the maintenance of their dependents. The petitioners further submit that the alleged offences are not punishable with death or imprisonment for life and are triable by the Magistrate Court and there is no legal impediments for granting anticipatory bail and the petitioners undertakes that they will not tamper with the prosecution witnesses or evidence. The petitioners further submit that the petitioners are ready and willing to abide by the terms and condition imposed by this court and to co-operate with the



investigation and also ready to furnish surety. Hence, prays to allow the bail petition.

4) After service of notice, the learned Public Prosecutor has appeared and filed objection contending that the offences alleged against the petitioners are grievous in nature and the complaint averments prima-facie shows that the petitioners are involved in the alleged offences. The learned Public Prosecutor has further contended that the offences alleged against the petitioners U/Sec. 3 & 7 of EC Act is punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine. The learned Public Prosecutor has further contended that investigation is still in progress and the investigation officer has to collect evidence and also to record statement of the witnesses. As such, at this stage, if the bail petition of the accused persons is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

5) Heard arguments and perused the records. The points that arise for my consideration are:

- 1) Whether the petitioners have made out sufficient grounds to allow the petition filed U/Sec. 482 of Bharathiya Nagarika Suraksha Sanhita, 2023 ?
- 2) What order?



My findings on the above points are as under:

- 1) Point No.1 : In the Affirmative
- 2) Point No.2 : As per the final order
for the following:

REASONS

6) **POINT No.1:** The petitioners counsel has addressed the arguments contending that the petitioners are innocent persons and have not committed any offence as alleged in the FIR and they have been falsely implicated in the present case. The petitioners counsel further contended that the petitioner No.1 and 2 are permanent residents of the address mentioned in the cause title and the petitioners are respectable members of society having permanent residence and family ties and there is no possibility of their absconding. The petitioners counsel further contended that the petitioners apprehend arrest by the respondent police and the petitioners are sole earning members of their respective families and are responsible for the maintenance of their dependents. The petitioners counsel further contended that the alleged offences are not punishable with death or imprisonment for life and are triable by the Magistrate Court and there is no legal impediments for granting anticipatory bail and the petitioners undertakes that they will not tamper with the prosecution witnesses or evidence. The petitioners counsel further contended that the petitioners are ready and willing to abide by the terms and condition imposed by this court and to co-



operate with the investigation and also ready to furnish surety. Hence, prays to allow the bail petition.

7) The learned Public Prosecutor has addressed the arguments contending that the offences alleged against the petitioners are grievous in nature and the complaint averments prima-facie shows that the petitioners are involved in the alleged offences. The learned Public Prosecutor has further contended that the offences alleged against the petitioners U/Sec. 3 & 7 of EC Act is punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine. The learned Public Prosecutor has further contended that investigation is still in progress and the investigation officer has to collect evidence and also to record statement of the witnesses. As such, at this stage, if the bail petition of the accused persons is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

8) On perusal of the records, it is noticed that the case of the prosecution is that the substance of the complaint lodged by Rahul A.C. Food Inspector, Chikkanayakanahalli on 17.01.2026 at about 4.30 PM., is that based on a requisition received from the In-charge PSI of Huliya Police Station, he inspected an Eicher Canter bearing Registration No.KA-26-B-3668, which had been intercepted by the police at about 3.00 a.m., on 17.01.2026 near Vidyavardhini School, Huliya Town. The driver, Shankarappa, failed to produce



any documents for the rice bags being transported in the vehicle. Upon inspection, the complainant found 363 bags containing fortified rice, which appeared to be rice supplied under the public Distribution System (PDS). The total quantity was found to be 176.80 quintals and valued at Rs.4,10,176/-. The vehicle was not authorized for transportation of PDS rice. During enquiry, the driver disclosed that the rice had been loaded by Eeranna Bagider of Mundargi, Gadag District, for transportation from Mundargi to Mandya. As neither the driver nor the consignor possessed any valid authorization or supporting documents, it was suspected that the PDS rice was being illegally transported for sale in the black market for unlawful gain. Accordingly, legal action was sought against Sharanappa, driver of the vehicle, and Eeranna Badiger, who allegedly arranged the transportation of the rice.

9) On perusal of the records, it is noticed that the police on receipt of the said complaint have registered the case in Crime No.15/2026 for the offences punishable U/Sec.3 & 7 of Essential Commodities Act, 1955. The petitioners have contended that they are ready and willing to abide by the terms and conditions imposed by this Court and also co-operate with the investigation. On perusal of the records, it is noticed that the offences alleged against the petitioners though are grievous in nature and are not punishable with imprisonment for life or death sentence. In the present case, the investigation is still pending, at this stage, it cannot be said that the petitioners are involved in the alleged offences. The apprehension of the prosecution is that if the bail petition of the



accused persons is allowed, there is every chances of petitioners threatening the prosecution witnesses, destroy evidence, abscond and hamper the trial. The guilt of the petitioners has to be proved during the course of trial as the case is still under the stage of investigation and the petitioners having contended that they are ready and willing to abide by the terms and conditions and also co-operate with the investigation. The said apprehension of the prosecution can be satisfied by imposing stringent conditions. Considering all these facts, I am of the opinion that the petitioners can be enlarged on bail by imposing certain conditions, which would meet the apprehension of the prosecution. Accordingly, I answer the point No.1 in **Affirmative**.

10) **POINT No.2:** For the reasons stated above, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/Sec.482 of BNSS, 2023 is hereby allowed.

The respondent – Huliya Police is directed to release the petitioners on bail in the event of their arrest in Crime No.15/2026 for the offences punishable U/Sec.3 & 7 of Essential Commodities Act, 1955 on obtaining self bond for Rs.50,000/- each with one surety for the like-sum subject to the following;



Conditions:

- 1) The petitioners shall attend the concerned police in between 10.00 A.M., to 5.00 P.M., on 15th of every month and mark their attendance till filing of the charge sheet and cooperate for investigation.
- 2) The petitioners shall not hamper or tamper with the prosecution witnesses or evidence in any manner.
- 3) The petitioners shall not commit or involve in similar offences in future.
- 4) The petitioners shall produce address proof document and not violate the conditions.

(Dictated to the Stenographer, transcribed by her, script thereof revised, corrected, signed and then pronounced by me in the open Court on this the 3rd day of June, 2026)

Sd/-

(Hemanth Kumar C.R.)

V Addl. District & Sessions Judge
Tumkur (Sitting at Tiptur)