



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

Dated this 8th 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.10218/2026

Petitioner/s : Rudachari
S/o Gangadharachar
Aged about 58 years,
R/o : Gurugadahalli Village,
Kasaba Hobli,
Tiptur Taluk,
Tumkur District.

(By; Sri.H.N.S., Advocate)

V/s

Respondent : State by
Excise Police, Tiptur

(By Public Prosecutor)

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

This petition is filed by the petitioner seeking anticipatory bail U/Sec.482 of BNSS, 2023 in Crime No.31/2025-26/033767212SIE1/2342960 of Excise Police, Tiptur for the offences punishable U/Sec.11, 14, 15, 32(1), 38(A), 43 of Karnataka Excise Act, 1965.



2) The brief facts of the case :

The complainant has lodged the complaint stating that on 22.04.2026 at about 5.00 p.m., while the complainant was conducting patrol along with his staff in the rural areas within the jurisdiction of Tiptur Circle, he received credible information over the telephone from an informant. Based on the said information, the complainant and his staff conducted vehicle checking on the public road leading from Gurugadahalli to Yadavanahalli Village, Kasaba Hobli, Tiptur Taluk. During the vehicle inspection, a Hero Honda Splendor Plus motorcycle bearing Registration No.KA-44-Y-7516, coloured red and black, was noticed approaching from the direction of Yadavanahalli carrying certain articles. The vehicle was stopped and inspected in the presence of panch witnesses. Upon examination, they found 90 ML 26 Haywards whisky tetra packs and 90 ML 40 Original choice whisky tetra packs in the said vehicle, containing a total of 5.940 litres of liquor. The accused was unable to produce any valid license or permit for possession or transportation of the said liquor. It was also found that he was transporting liquor in excess of the prescribed limit with the intention of obtaining unlawful gain. As such, the complainant having seized the said articles and have lodged the complaint and the Excise police having received the complaint have registered the case in Crime No.31/2025-26/033767212SIE1/2342960 for the offences punishable U/Sec.11, 14, 15, 32(1), 38(A), 43 of Karnataka Excise Act, 1965.



3) The petitioner being accused aggrieved by the same as preferred this bail petition on the following among other grounds:

The petitioner submits that the petitioner is innocent of the alleged offence and has been falsely implicated in the present case on the basis of false report and there is no cogent or credible evidence connecting the petitioner with the alleged offence and the petitioner was not present at the spot, and there is no material to show that he was transporting liquor on the motorcycle as alleged. The petitioner further submits that the case has been registered without conducting a proper enquiry or investigation and the alleged offences are neither punishable with death or imprisonment for life and are triable by the learned Magistrate. The petitioner further submit that the petitioner is an agriculturist having aged parents suffering from age-related ailments, and his presence at home is necessary to look after them and the petitioner is a respectable person in society, has no criminal antecedents, and is not required for any custodial interrogation or further investigation and the petitioner is law-abiding citizen, is not likely to abscond or tamper with the prosecution evidence. The petitioner also further submits that the petitioner is ready and willing to abide by the terms and condition imposed by this court and to co-operate with the investigation and also he is 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 petitioner are grievous in nature. The learned Public



Prosecutor further contended that the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the case is still under the stage of investigation and the petitioner is require for custodial interrogation. The learned Public Prosecutor has further contented that the complainant has seized the illicit liquor. As such at this stage, if the bail petition of the petitioner 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 petitioner has 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 petitioner counsel has addressed the arguments contending that the petitioner is innocent of the alleged offence and has been falsely implicated in the present case on the basis of false report and there is no cogent or credible evidence connecting the petitioner with the alleged offence and the petitioner was not present at the spot, and there is no material to show that he was transporting liquor on the motorcycle as alleged. The petitioner counsel further contended that the case has been registered without conducting a proper enquiry or investigation and the alleged offences are neither punishable with death or imprisonment for life and are triable by the learned Magistrate. The petitioner counsel further contended that the petitioner is an agriculturist having aged parents suffering from age-related ailments, and his presence at home is necessary to look after them and the petitioner is a respectable person in society, has no criminal antecedents, and is not required for any custodial interrogation or further investigation and the petitioner is law-abiding citizen, is not likely to abscond or tamper with the prosecution evidence. The petitioner counsel further contended that the petitioner is ready and willing to abide by the terms and condition imposed by this court and to co-operate with the investigation and also he is 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



petitioner are grievous in nature. The learned Public Prosecutor further contended that the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the case is still under the stage of investigation and the petitioner is required for custodial interrogation. The learned Public Prosecutor has further contended that the complainant has seized the illicit liquor. As such at this stage, if the bail petition of the petitioner 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 prosecution of the case is that on 22.04.2026 at about 5.00 p.m., while the complainant was conducting patrol along with his staff in the rural areas within the jurisdiction of Tiptur Circle, he received credible information over the telephone from an informant. Based on the said information, the complainant and his staff conducted vehicle checking on the public road leading from Gurugadahalli to Yadavanahalli Village, Kasaba Hobli, Tiptur Taluk. During the vehicle inspection, a Hero Honda Splendor Plus motorcycle bearing Registration No.KA-44-Y-7516, coloured red and black, was noticed approaching from the direction of Yadavanahalli carrying certain articles. The vehicle was stopped and inspected in the presence of panch witnesses. Upon examination, they found 90 ML 26 Haywards whisky tetra packs and 90 ML 40 Original choice whisky tetra packs in the said vehicle, containing a total of 5.940 litres of



liquor. The accused was unable to produce any valid license or permit for possession or transportation of the said liquor. It was also found that he was transporting liquor in excess of the prescribed limit with the intention of obtaining unlawful gain. As such, the complainant having seized the said articles and have lodged the complaint and the Excise police having received the complaint have registered the case in Crime No.31/2025-26/033767212SIE1/2342960 for the offences punishable U/Sec.11, 14, 15, 32(1), 38(A), 43 of Karnataka Excise Act, 1965.

9) On perusal of the records, it is noticed that the offences alleged against the petitioner are U/Sec.11, 14, 15, 32(1), 38(A), 43 of Karnataka Excise Act, 1965 and the offences alleged against the petitioner are not punishable with imprisonment for life or death sentence. The petitioner has contended that the he is ready and willing to co-operate with the investigation for the present case. The case is still under the stage of investigation, as such at this stage it cannot be said that the petitioner is involved in the alleged offences. The apprehension of the prosecution is that, if the bail petition is allowed the petitioner might tamper the prosecution witnesses, destroy evidence, abscond and hamper the trial. The guilt of the petitioner has to be proved during the course of trial. The petitioner has contended that he is 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 petitioner 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 petitioner U/Sec.482 of BNSS, 2023 is hereby allowed.

The respondent – Excise Police, Tiptur is directed to release the petitioner on bail in the event of his arrest in Crime No.31/2025-26/033767212SIE1/2342960 for the offences punishable U/Sec.11, 14, 15, 32(1), 38(A), 43 of Karnataka Excise Act, 1965 on obtaining self bond for Rs.50,000/- with one surety for the like-sum subject to the following;

Conditions:

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



- 4) The petitioner 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 8th day of June, 2026)

Sd/-

(Hemanth Kumar C.R.)
V Addl. District & Sessions Judge
Tumkur (Sitting at Tiptur)