



IN THE COURT OF THE PRINCIPAL DISTRICT &  
SESSIONS JUDGE, UDUPI AT UDUPI.

PRESENT

**Sri K.S. Gangannavar, B.Com., LLB., (Spl.)**  
Principal District & Sessions Judge, Udupi

Dated this 6<sup>th</sup> day of March, 2026

**Crl. Misc. No.67/2026**

- Petitioners
- 1) George Anil D Souza  
S/o Pascal Bonifas D Souza,  
Aged about 52 years
  - 2) Reena Sylvia D Souza  
W/o George Anil D Souza,  
Aged about 50 years

Both are R/at Door No.4-87,  
Mount Nest, Near Manasa,  
Padubelle Post, Kaup Taluk.

(By Sri Ananda R. Rao K., Advocate)

/Vs/

Respondent                      The State through  
Udupi Range I Excise PS, Udupi.

(By Learned Public Prosecutor, Udupi)

**ORDER ON PETITION U/s 482 of B.N.S.S.**

Accused facing allegations of the offences punishable under Sections 10, 11, 12, 14, 32(1), 38A, 43A of Karnataka Excise Act, 1965 in Crime No.22/2025-26 of Udupi Range I, Excise Police Station, has filed this petition.



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2. According to complainant -Krishnamurthy H., Excise Inspector, Excise Range-I, Udupi on 21.01.2026 at about 8.45 p.m. in front of open theatre, on Bedinagudde Sharada Mantapa Road, while the officers and staff of Excise Department were checking the vehicles, petitioner No.1 herein found transporting 17 litres of liquor in car bearing No.KA-20/MC-6241 owned by petitioner No.2. Accordingly, complainant seized the liquor and the vehicle. Petitioner No.1 was released on issuing notice under Section 35(3) of BNS and registered the crime.

3. In support of the relief, the petitioners have contended that, they are innocent, there are no reasonable grounds to connect the petitioners to the alleged offences. Offences alleged are punishable with imprisonment up to five years and triable by Magistrate. Custodial interrogation of the petitioners is not required. They have no criminal antecedents. They are permanent residents of given address. They are ready and willing to abide by conditions that may be



imposed by this Court while granting bail to them and to furnish substantial surety. Hence, sought to allow the petition.

4. Learned Public Prosecutor filed objections with the I.O. Report. In his detailed objections he has relied upon the complained allegations and contended that if released on bail, petitioners are likely to repeat such offences, they may tamper with the prosecution witnesses and may destroy evidence. They may not cooperate in the investigation and may not attend the trial. Hence, prays for rejecting the petition.

5. Heard both sides. Perused the materials.

6. Point that arise for consideration is:

“Whether the petitioners are entitled for anticipatory bail?”

7. Above point is answered in the affirmative for the following:

### **REASONS**

8. Petitioners are alleged of the offences for the illegal possession of intoxicant. Petitioner No.1 alleged to be transporting 17 litres of liquor in the car.



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Petitioner No.2 is the registered owner of the car. Such possession is required to be proved during the course of trial. The offence alleged is punishable with imprisonment for a term up to five years and is triable by a Magistrate. Incriminating articles are already in the custody of the investigating agency. Prosecution has not made out any case of requirement of the petitioners for custodial detention/interrogation. Petitioners are residing within the jurisdiction of the court and their presence, if required, can be secured for further investigation. Petitioners have also undertaken to abide by the conditions and to furnish substantial surety for their release on anticipatory bail.

9. Hence, it is found proper to release the petitioners on bail. Accordingly, above point is answered in the affirmative. Hence, the following:

**ORDER**

The petition U/Section.482 of BNSS is hereby allowed.

In the event of their arrest, petitioners shall be released on bail in Crime



No.22/2025-26 of Udupi Range I, Excise PS,  
on the following conditions:

- (1) Petitioners shall execute bail bond for the value of Rs.50,000/- each with a surety for like sum.
- (2) Petitioners shall cooperate with the Investigating Officer in the investigation as and when required and shall attend the trial regularly.
- (3) Neither petitioners nor anybody on their behalf shall tamper or induce, try to tamper or try to induce the prosecution witnesses to withhold from disclosing such facts of the offence either to the court or to the Investigating Officer.
- (4) Petitioners shall not involve in any criminal activities during the pendency of this case.
- (5) Petitioners shall appear before the Investigating Officer within 20 days of this order, if not, this bail order shall stand lapsed.

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 6<sup>th</sup> day of March, 2026)

**(K.S. Gangannavar)**  
Principal District & Sessions Judge,  
Udupi