

KAYG320001292026



1 Crl.Misc.No.5042/2026

**IN THE COURT OF II nd ADDL.DISTRICT AND
SESSIONS COURT, YADGIR,
SITTING AT SHORAPUR.
:PRESENT:**

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
II nd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.**

DATED THIS THE 11th DAY OF MARCH, 2026.

CRL. MISC.5042/2026

Petitioner Madanappa S/o Basappa Salodagi,
Age: 32 years, Occ: Agri, R/o Kodekal,
Tq: Hunsangi, Dist: Yadgiri.

(By Sri.SMP Adc.,)

V/s

Respondent: The State through Narayanpur P.S.
Dist: Yadgiri.

(By Sri. Public Prosecutor)

**ORDER ON BAIL PETITION FILED U/SEC.482 OF
BNSS.**

Being apprehended of arrest by the respondent, in
Crime.No.15/2026 of Narayanpur PS, registered for the
offence P/U/Sec.32 & 34 of Karnataka Excise Act,
against accused, the present petitioner/accused has filed



this petition for the necessary directions to the respondent to release him on bail in the event of his arrest in the said crime.

2. Brief facts of prosecution case, are as follows:-

On 23.02.2026, at 03.00 pm, the complainant lodged the complaint stating that, when he was on duty he received credible information from ERSS112 vehicle spot that, one person transporting liquor illegally in omni vehicle from Narayapur to Yenniwadigera village, on receipt of the same he secured two panch witnesses and informed them about raid to be conducted and he inform his staff ASI Shubhashchandra and HC 125 Vishwanath PC 74 Channabasava and informed them, and they left the police station in Govt. vehicle at 04.00 pm, and it was about 04.15 pm, when they were proceeding towards Narayanapur - Kodekal main road near the land of one Ningappa Chakri they parked their vehicle, at that time, the staff of 112 vehicle APC Malappa and PC 410 Sheshidar came and thereafter they all together were



standing near the same land, it was about 04.30 pm, one Omni vehicle came from Narayanapur and they spot the said vehicle No.KA-47-M-025 and enquired with the driver he told his name as Madanappa S/o Basappa Salodigi R/o Kodekal, and thereafter, they searched vehicle and found 8 cardboard box and they opened all box in the presence of panch witnesses and found 90 ml 96 high wards whiskey tetra pockets and found 8 cardboard box in which 90 ml high wards whiskey 768 pockets and 90 ml one high wards whiskey tetra pockets and each pockets price is Rs.50/- and in all they were 678 tetra pockets for value of Rs.38,400/- and thereafter they enquired with driver about illegal transport of said articles and about the purchase of said articles and they asked for documents, the driver has not produced any documents and they confirmed that, the said person is transporting liquor illegally and thereafter they seized all articles under seizure panchanama conducted in the presence of panch witnesses and they have taken sample from the said tetra pockets and seized separately and



sealed them and gave number as N for FSL report, and they enquired with driver about RC book of said vehicle and no RC book produced thereafter they seized the said vehicle from the spot, and took all articles to the police station with accused and produced the same with report, on basis of which crime has been registered against the accused persons, thereafter the lodge the complaint, on basis of the said complaint the respondent registered the crime against present petitioner and the present petitioner is being apprehended of arrest by the respondent filed this petition on following ;

GROUNDS

***A.** The petitioner is innocent person, he has not committed any offence as alleged in the complaint and false case has been registered, there is no prima-facie case, though Sec. 32 of the KE Act, is non bailable but, it is triable by JMFC court.*

***B.** The accused is permanent resident of Shorapur Taluk having movable and immovable properties, the petitioner is*



belongs to respectable family, and he is agriculturist, his entire family is depending upon the income of accused.

C. *The petitioner is ready and willing to abide by any conditions which may be imposed by this court.*

3. Ld. PP has filed objection stating the facts of prosecution case as already extracted supra, further Ld PP would contended in the objection that, the accused person has committed non-bailable offences and there is no genuine grounds, investigation is going on, and there is chances of absconding and he will not co-operate with trial, if the accused person is released on bail he will tamper the prosecution witness and thus there is every chance of repetition of same crime by the same petitioner, and hamper the investigation, and with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides. Along with petition, the petitioner has produced document, certified copy of FIR with complaint and seizure panchanama and PF No.9/2026 dated 23.02.2026.



5. I have perused the contents of petition, grounds stated in the petition, objection filed by learned PP and also considered the arguments canvassed by the learned counsel for the parties and perused the same. On perusal of the same the points that would arise for determination are as follows;

POINT NO.1: Whether the
petition filed under section 482 of
BNSS Act, is deserves to be allowed
at this stage ?

POINT NO.2: What order ?

6. My findings to the above points are
as follows;

Point No.1 : in the Negative.

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

REASONS

7. **POINT NO.1:** It is well settled law that
the court cannot go into the merits and demerits of the
case while deciding the bail petition. What court has to
looked into in deciding bail petition is that, (i) the nature



and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice.

8. I have gone through facts stated in the complaint and material placed before the court by the petitioner and further I perused grounds stated in the bail petition, on perusal of the same there is prima-facie case against the accused person, and the petitioner has produced certified copy seizure panchanama which clearly shows that, the articles seized from the possession of accused and vehicle also seized from the possession of the accused from the spot, and accused taken into custody from the spot with all articles and vehicles, this facts prima-facie shows the involvement of the accused in commission of crime. Looking to the facts and circumstance of the case, and grounds stated in the petition, and gravity of offence, manner in which the accused has committed crime, I am of the opinion that, at

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this stage, if accused person released on bail he will not co-operate with IO, and there is every chance of treat to the panch witnesses, hence, the accused person is not entitle for anticipatory bail at this stage, with above observation and reasons I answered this point in the **Negative.**

9. POINT NO: 2: In view of the finding on Point No.1, I proceed to pass the following;

ORDER

The petition filed U/Sec.482 of BNSS Act, by the petitioner is hereby dismissed.

(Dictated to the Stenographer-III directly on computer, transcript computerized by her, corrected, initialed and then pronounced by me in the open court, on this the 11th day of March - 2026)

(Yamanappa Bammanagi)
(II nd Addl. District and Sessions Judge
Yadgir, Sitting at Shorapur)