



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 6TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 100830 OF 2026 (EXCISE)

BETWEEN:

SHRI. JAYARAM SHEENA SHETTY
AGE: 84 YEARS, OCC: BUSINESS,
R/O. RAIBAG, TQ: RAIBAG,
DIST: BELAGAVI-591 317.

...PETITIONER

(BY SRI. SHIVARAJ S.BALLOLI, ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA
DEPARTMENT OF EXCISE,
VIDHAN SOUDHA, BENGALURU-560 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. DEPUTY COMMISSIONER, BELAGAVI
DEPARTMENT OF REVENUE,
TQ. AND DIST: BELAGAVI-590 001.
3. THE DEPUTY COMMISSIONER OF EXCISE,
DEPARTMENT OF EXCISE,
2-SAI PLAZA, II FLOOR, KAVATAGIMATH NAGAR,
DIST: BELAGAVI (NORTH)-590 001.
4. INSPECTOR OF EXCISE,
RAIBAG RANGE, RAIBAG,
TQ: CHIKODI, DIST: BELAGAVI-590 001.

...RESPONDENTS

(BY SRI. PRAVEEN K.UPPAR, AGA)

THIS WRIT PETITION IS FILED UNDER WHEREFORE IN THE
LIGHT OF THE ABOVE THIS HONBLE COURT MAY BE PLEASED TO
ISSUE A WRIT OF CERTIORAIR QUASHING THE IMPUGNED ORDER
DATED ***31.01.2026** PASSED BY RESPONDENT NO.2 BEARING
NO.DCE/BGM(N)/DTCR/BLC/549/2025-26 VIDE ANNEXURE-A AND
ETC.

*Corrected vide Court order dated 17.02.2026

Sd/-
(KSHJ)





THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

The petitioner has approached this Court seeking to quash the order passed by respondent No.2 dated ***31.01.2026** (Annexure-A), whereby CL-9 licence of the petitioner has been suspended for a period of 90 days.

2. Heard learned counsel appearing for the petitioner and learned Additional Government Advocate appearing for respondents-State 2.

3. The petitioner is the holder of CL-9 license issued by respondent No.2- the Deputy Commissioner to sell Indian Manufactured Liquor and Foreign Liquor in the premises that is licensed at TMC No.1910/2419, Jalalpur road, Raibagh. Respondent No.4 has initiated criminal proceedings against the petitioner by registering the First Information Report (FIR) alleging commission of offences punishable under Sections 36 and 36(1)(g) of the Karnataka Excise Act, 1965 ("the Act, 1965" for short) and

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Rule 10 of the Karnataka Excise (General Conditions of Licence) Rules, 1967.

4. The allegation in the FIR is that, when an adult consumer visited the petitioner's bar along with a minor child, and allegedly caused the minor to consume liquor, which was recorded and circulated on social media. Pursuant to the said video becoming viral, respondent No.4 inspected the premises and verified the CCTV footage of the relevant day i.e., 26.12.2025. It is stated that CCTV footage indicates that the adult entered the premises with the minor child at about 06.35 p.m., from the rear side of the petitioner's premises, took the minor child to a non-permit room where consumption of alcohol is prohibited and existed the premises along with the minor child at about 6.57 p.m.

5. Learned counsel for the petitioner submits that, although the CCTV footage was verified by respondent No.4, proceedings were nevertheless initiated under Section 36(1)(g) of the Act, 1965, followed by issuance of a show



cause notice. The petitioner submitted a reply to the said notice, however, without properly considering the reply and the material on record, the licence of the petitioner came to be suspended for a period 90 days, which according to the petitioner is in an arbitrary manner.

6. *Per contra*, learned Additional Government Advocate appearing for the respondents-State submits that, an alternative efficacious remedy of appeal is available under Section 61(2) of the Act, 1965 and therefore, the writ petition is not maintainable.

7. In this context, learned counsel for the petitioner submits that, although an alternative remedy is available, impugned action suffers from violations of principles of natural justice and therefore the writ petition is maintainable under the exception carved out.

8. This Court has carefully considered the rival submissions and perused the material on record.

9. In the impugned order, respondent No.2 at paragraph No.2 has observed as under:



“ಚಿಕ್ಕ ಮಗುವಿನೊಂದಿಗೆ ಬಂದ ವಯಸ್ಕ ವ್ಯಕ್ತಿಗೆ ಮದ್ಯ ಸರಬರಾಜು ಮಾಡಿದ್ದು, ಆ ವ್ಯಕ್ತಿ ಮದ್ಯವನ್ನು ಮಗುವಿಗೆ ಕುಡಿಸಿರುವ ಕುರಿತು ಸಾಮಾಜಿಕ ಜಾಲತಾಣಗಳಲ್ಲಿ ವಿಡಿಯೋ ಭಿತ್ತರವಾಗುತ್ತಿರುವ ಕಂಡು ಬಂದಿರುವುದು ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಕಾಯ್ದೆ 1965 ರ ಕಲಂ 36 ಮತ್ತು 36 (1) (ಜಿ) ರ ಪ್ರಕಾರ ದಂಡನಾರ್ಹ ಮತ್ತು ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವಾಗಿರುವುದರಿಂದ ಸದರಿ ಪ್ರಕರಣವು ಗಂಭೀರ ಸ್ವರೂಪವಾಗಿದ್ದು, ಸನ್ನದುದಾರರ ವಿನಂತಿ ಮೇರೆಗೆ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಇಲಾಖಾವತಿಯಿಂದ ಕಾನೂನು ಪ್ರಕಾರ ಇತ್ಯರ್ಥಪಡಿಸಲು ಅವಕಾಶ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸನ್ನದುದಾರರು ನೀಡಿರುವ ಸಮಜಾಯಿಷಿಯನ್ನು ಒಪ್ಪಲು ಸಾಧ್ಯವಿಲ್ಲ. ಸದರಿ ಸನ್ನದನ್ನು ಕರ್ನಾಟಕ ಕಾಯ್ದೆ ಕಲಂ 29(1)(ಬಿ) ರನ್ವಯ ಅಮಾನತ್ತುಗೊಳಿಸಲು ಅಥವಾ ರದ್ದುಗೊಳಿಸಲು ಅವಕಾಶವಿರುತ್ತದೆ ಹಾಗೂ ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು, ರಾಯಭಾಗ ವಲಯ, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಅಥಣಿ ಉಪ ವಿಭಾಗ ಮತ್ತು ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಬೆಳಗಾವಿ ಉತ್ತರ ಜಿಲ್ಲೆ ಚಿಕ್ಕೋಡಿ ರವರ ಶಿಫಾರಸಿನ ಮೇರೆಗೆ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶ.”

10. A perusal of the impugned order reveals that, while reference is made to the CCTV footage, the order does not record any findings as to whether the minor child consumed liquor in the premises or whether the petitioner permitted the minor to enter the prohibited area. No reasons are forthcoming on this crucial aspect.

11. Be that as it may, an alternative remedy is available and this Court deemed it appropriate to relegate the petitioner to the appropriate appellate authority.



12. Learned counsel for the petitioner has also brought to the notice of this Court that in certain similar placed cases, even where allegations were stated to be graver, the suspension imposed was for a shorter duration.

13. However, it is well settled that a negative benefit is extended in another case cannot be claimed as a matter of right. In the facts and circumstances of the case, this Court pass the following order:

ORDER

- i. The writ petition is ***disposed of.***
- ii. The petitioner is granted liberty to approach the appropriate appellate authority under Section 61(2) of the Karnataka Excise Act, 1965 by filing an appeal within a period of two weeks from the date of the receipt of this order.
- iii. In the event of such an appeal being filed and an application for stay for suspension, the Excise Commissioner shall consider the interim application filed by the petitioner



seeking stay of the suspension within a period of two weeks thereafter.

- iv. The CL-9 licence of the petitioner has already remained under suspension for a period of one week pursuant to the impugned order, hence in the peculiar facts and circumstances, till such consideration of the interim application before the Appellate Authority, operation and execution of the impugned order of suspension dated ***31.01.2026** (Annexure-A) shall be kept in abeyance.
- v. It is made clear that the petitioner shall not violate any of the conditions of CL-9 license.
- vi. It is farther clarified that this Court has not expressed any opinion on the merits of the case and all the contentions of both the parties are kept open to be urged before the Appellate Authority.

Sd/-
JUSTICE K.S.HEMALEKHA

EM
CT:VH /List No.: 1 SI No.: 12

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Sd/-
(KSHJ)