



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 100196 OF 2026 (482(CR.PC)/528(BNSS))

BETWEEN:

PUTZMEISTER CONCRETE MACHINES PVT. LTD.
REGISTERED ADDRESS,
PLOT NO.N4, PHASE 4,
VERMA INDUSTRIAL ESTATE,
VERMA SALCETE, GOA 403722
THROUGH AR, MR. SIDDHESH ZANTYE.

...PETITIONER

(BY SRI. SANTOSH B. MALAGOUDAR, ADVOCATE FOR SRI. A.D.
KULKARNI, ADVOCATE)

AND:

STATE OF KARNATAKA
THROUGH EXCISE SUB INSPECTOR,
ANAMODA STATION, UTTARA KANNADA DISTRICT,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT PREMISES, DHARWAD-580011.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 528 OF BNSS, 2023,
SEEKING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO. 45/2018
ARISING OUT OF CRIME NO. 003/2016-17 AND CHARGE SHEET
AGAINST THE PETITIONER/ACCUSED NO. 9 REGISTERED FOR THE
OFFENCES P/U/SEC. 11, 14, 32(1), 38(A) AND 43(A) OF THE
KARNATAKA EXCISE ACT 1965 PENDING BEFORE THE CIVIL JUDGE
AND JMFC, DANDELI.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:





ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri.Santosh B. Malagoudar, learned counsel appearing for petitioner and Smt.Kirtilata R. Patil, learned High Court Government Pleader appearing for respondent-State.

2. The present petition is filed by accused No.9 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, with the following prayer:

That in light of the above facts and circumstances, the petitioner above named, most humbly prays that this Hon'ble Court may be pleased to:

- a) *"Quash the entire proceedings in C.C.No.45/2018 arising out of Crime No.0003/2016-17 and Chargesheet against the petitioner/accused No.9 registered for the offences punishable under Sections 11,14,32(1), 38(A) and 43(A) of the Karnataka Excise Act, 1965, pending before the Hon'ble Civil Judge and JMFC, Dandeli.*
- b) *Pass any such orders that this Hon'ble Court deems fit and proper in the interest of justice"*



3. Facts in the nutshell, which are utmost necessary for disposal of the present petition are as under:

3.1 The petitioner is arraigned as accused No.9 in the charge sheet filed in respect of the Crime No.3/2016-17, which is now registered as Criminal Case No.45 of 2018.

3.2 The petitioner is a manufacturer of automobile spare parts. For the purpose of transporting the said spare parts, he had engaged a lorry bearing registration No.KA-28/B-0992 upon payment of the necessary charges.

3.3 It is alleged that, along with the spare parts loaded at the factory premises, the driver of the said lorry carried liquor manufactured in Goa without pass or permit, which was stored in white nylon bags. The lorry was intercepted near Anmod Ghat during routine patrolling by the Excise officials on 27.12.2016 at about 1.00 a.m.

4. After registering the case, the Police investigated the matter and filed a charge sheet against the petitioner.

5. Upon receipt of charge sheet, the learned Trial Magistrate took cognizance of the offences and issued process to summon the present petitioner. The said order is called in question in this petition on the ground that the petitioner is only



a manufacturer of automobile spare parts and that there is no direct or indirect nexus between petitioner and alleged seizure of liquor by the Excise officials on 27.12.2016 near Anmod Ghat and therefore, sought for quashing the pending criminal case.

6. *Per contra*, Smt.Kiritlata R. Patil, learned High Court Government Pleader, would contend that the mini-lorry admittedly carried 27 nylon bags containing illicit liquor without any valid licence or permit. Therefore, the accused No.9 under the guise of transporting automobile spare parts, was also responsible for carrying the said illicit liquor and sought for dismissal of the petition.

7. Having heard the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal of material on record, it is noticed that the Investigation Agency itself has recorded the statements of the officials of accused No. 9–Factory. Admittedly, the lorry receipt does not disclose transportation of any liquor.

9. If, during the course of transportation, in the interregnum, the driver of the lorry or any other person had loaded the liquor along with the spare parts, accused No.9 cannot be held responsible for the same.



10. Except a bald allegation in the charge sheet that accused No.9 has nexus with the incident, no other connecting material is found from the charge sheet which would form either direct or indirect nexus with the seizure of the liquor from the lorry during the course of patrolling on 27.12.2016.

11. Accordingly, continuation of the criminal proceedings insofar as the present petitioner is concerned would amount to an abuse of the process of law.

12. Hence, the following order is passed.

ORDER

(i) The petition is allowed.

(ii) Consequently, the pending proceedings in C.C. No. 45/2018 arising out of Crime No. 003/2016-17 and the charge sheet insofar as they relate to the present petitioner/accused No. 9, pending on the file of the Civil Judge and JMFC, Dandeli, are hereby quashed.



(iii) It is made clear that this order shall not be ipso facto made applicable as parity for the remaining accused persons.

Sd/-
(V.SRISHANANDA)
JUDGE