
(2011) 03 KAR CK 0184
In the Karnataka High Court
Case No : Criminal Petition No. 6145 of 2010

H.B. Chandrappa

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 01-03-2011

Acts Referred:

Karnataka Excise Act, 1965 — Section 32, 34

Citation : (2011) 03 KAR CK 0184

Hon'ble Judges : A.S. Pachhapure, J

Bench : Single Bench

Advocate : I.S. Pramod Chandra and Prakash M, for the Appellant; G.M. Sreenivas Ready, HCGP, for the Respondent

Final Decision : Allowed

Judgement

A.S. Pachhapure, J.—On 27.10.2010, the Police had an information that the Petitioner is selling illicit liquor at the cross of Hebbailu and after receiving the information, they went to the spot and saw the accused with a can, After seeing the Police, the Petitioner ran away from the place. They examined the can and found that there was 5 ltrs. of illicit liquor. In the circumstances, they registered a complaint against the Petitioner for the offence punishable under Sections 32 and 34 of the Karnataka Excise Act.

2. The Petitioner has approached this Court. for anticipatory bail apprehending his arrest. It is his contention that in the election, he had supported a candidate and because of political rivalry, a false complaint has been registered at the instance of his opposite party.

3. The Petitioner apprehends his arrest and submits that he is innocent and has not committed any offence much less the one alleged. He also submits that he is ready and willing to abide by the condition/s that may be imposed for his release on bail. On these grounds, he has sought for anticipatory bail.

4. The learned Government Pleader has opposed the application.

5. I have heard the learned Counsel for the Petitioner and also the learned Government Pleader.

6. The Petitioner claims to be an agriculturist and it is his specific allegation that because of the political rivalry, he has been falsely implicated in the crime. Even as could be seen from the allegations in the complaint, though the Police Official stooped the jeep near the place where the Petitioner was said to have been standing for selling the illicit liquor, they state that he ran away from the spot. It is surprising to note that the Police Officials are not in a position to chase and apprehend the accused. The quantity of illicit liquor is about 5 ltrs.

Taking into consideration the fact that there is existing rivalry as alleged by the Petitioner and the quantity of the illicit liquor said to have been seized, I am of the opinion that it is a fit case wherein the anticipatory bail could be granted. Hence, the petition is allowed.

The Petitioner is ordered to be released on bail in the event of his arrest, on his executing a personal bond for a sum of Rs. 10,000-00 with one solvent: surety for the likesum to the satisfaction of the arresting authority with further following conditions:

- 1) The Petitioner shall appear before the Police station concerned, within 15 days from today.
- 2) The Petitioner shall be made available for interrogation by a police officer as and when he is required.
- 3) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- 4) He shall attend the Court as and when directed.
- 5) He shall appear before the concerned Police Station every Sunday in between 9.00 and 10.00 a.m. till the charge sheet is filed.