

2011 SCC OnLine Kar 4495 : (2015) 321 ELT 669

In the High Court of Karnataka[±]
(BEFORE H. BILLAPPA, J.)

M.R. Thammanna

Versus

Excise Police Inspector, Hassan

Criminal Petition No. 6206 of 2011

Decided on December 15, 2011

ORDER

1. The petitioner has filed this petition under Section 438 of Cr.P.C. praying for grant of anticipatory bail.

2. It is stated in the petition, the petitioner is innocent of the offences alleged against him and he has not committed any offence and he is ready to abide by all conditions that may be imposed. Therefore, the petitioner has prayed for grant of anticipatory bail.

3. It is alleged, that on 24-12-2009, the complainant raided and seized 20 litres of liquor, one steel bucket and one plastic pot.

4. It is alleged, the petitioner was illegally tapping and selling the arrack. A case in crime No. 17/2009 of Excise Police Hassan, has been registered for the offences punishable under Sections 13(1)(c), 15, 32(1), 38(a) of Karnataka Excise Act. After investigation charge sheet has been filed.

5. The learned Counsel for the petitioner contended that the petitioner is innocent of the offences alleged against him and he has been falsely implicated in the case. She also submitted that the petitioner was granted anticipatory bail and now the Trial Court has issued warrant and therefore, the petitioner can be granted anticipatory bail.

6. As against this, the learned SPP submitted that after investigation charge sheet has been filed and the petitioner was absconding and when Trial Court has issued warrant, the petitioner has approached this Court and therefore, the petitioner cannot be granted anticipatory bail.

7. I have carefully considered the submissions made by the learned counsel for the parties.

8. The point that arises for my consideration is:

9. Whether the petitioner can be granted anticipatory bail?

10. It is relevant to note, the allegations are that on 24-12-2009, the complainant raided and seized 20 litres of liquor, one steel bucket and one plastic pot. It is alleged, the petitioner was illegally tapping and selling the arrack. After investigation charge sheet has been filed. The petitioner was absconding and not



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available for investigation. When the Trial Court has issued warrant, the petitioner has approached this Court. The petitioner has not availed anticipatory bail granted earlier. Therefore, the petitioner cannot be granted anticipatory bail.

11. Accordingly, the bail petition is rejected.

† Principal Bench at Bengaluru

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