HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 507 OF 2026 (EXCISE)

BETWEEN:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   DEPARTMENT OF FINANCE AND EXCISE
   VIKASA SOUDHA
   BENGALURU - 560 001

2. THE COMMISSIONER OF EXCISE IN KARNATAKA
   TTMC, 2ND FLOOR
   BMTC COMPLEX, SHANTHINAGAR
   BENGALURU - 560 027

3. THE DEPUTY COMMISSIONER,
   BENGALURU URBAN DISTRICT
   BENGALURU - 560 001

4. THE DEPUTY COMMISSIONER OF EXCISE
   BENGALURU URBAN DISTRICT-05
   BENGALURU

…APPELLANTS

(BY SRI SHASHIKIRAN SHETTY K., ADVOCATE GENERAL A/W
SMT. PRATHIMA HONNAPURA, AAG &
SMT. NAMITHA MAHESH B.G., AGA)

Digitally signed by AMBIKA H B
Location: High Court of Karnataka

AND:

1. SRI NANJUNDE GOWDA
   S/O. LATE DYAVAIAH

AGED ABOUT 74 YEARS
R/AT NO. 16, 6TH CROSS
SUDHAMANAGAR
WILSON GRADEN
BANGALORE - 560 027

…RESPONDENT

(BY SRI G.K. BHAT, SENIOR ADVOCATE A/W
SMT. SUDHA D., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE INTERIM ORDER DATED 05/12/2025 PASSED IN W.P. NO.23389/2025 (EXCISE) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT & ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the affidavit accompanying the application – I.A.No.3/2026, the same is allowed and the delay of 33 days in filing the appeal is condoned.

2. The appellants have filed the present appeal impugning an interim order dated 05.12.2025 passed by the learned Single Judge in Writ Petition No.23389/2025 (Excise).

3. A plain reading of the said order indicates that it is premised on the earlier interim orders passed in similar petitions staying the enforcement of Rule 5 and 5A of the Karnataka Excise (Sale of Indian and Foreign Liquor) Rules, 1968 as amended by virtue of the Karnataka Excise (Sale of Indian and Foreign Liquors) (Second Amendment) Rules, 2025.

4. The said issues are squarely covered by a judgment dated 15.04.2026 passed by this Court in Writ Appeal No.541/2026 (Excise).

5. Accordingly, the present appeal is allowed and the impugned order is set aside.

6. The learned Senior Counsel appearing for the respondent submits that apart from the challenge to Rule 5 and 5A of the aforesaid Rules, the appellants have also raised certain other issues, including on factual aspects.

7. It is clarified that the present order will not preclude the respondent from agitating the same before the learned Single Judge.

8. The pending interlocutory applications also stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

AHB
List No.: 2 Sl No.: 24.3