HC-KAR

NC: 2026:KHC:59653
WP No. 32735 of 2026

CNR: KAHC010718872026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 32735 OF 2026 (EXCISE)**

**BETWEEN:**

DEEKSHITH. H.P.
S/O PUTTARAJU H.B.,
AGED ABOUT 36 YEARS,
OWNER OF 14 WHEELER TANKER
NO.KA-13-D-1827
RESIDING AT MIG 7/C,
2ND STAGE,
KUVEMPU NAGARA,
HASSAN -573 201

...PETITIONER

(BY SRI. RAVI M.M., ADVOCATE)

**AND:**

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
BY THE INSPECTOR OF EXCISE
PADMANABHANAGARA
ZONAL NO.36,
BENGALURU- 560 006

2. THE DEPUTY COMMISSIONER
OF EXCISE,
BENGALURU URBAN DISTRICT
(BUD-6) NO.334/6,
EXCISE BHAVANA,
KSBCL COMPLEX,
OPP. BYATARYANAPURA
POLICE STATION,
MYSORE ROAD,

BENGALURU 560 026

…RESPONDENTS

(BY SMT.PRATHIMA HONNAPUR, AAG A/W
SRI.MANJUNATH K., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH IMPUGNED ENDORSEMENT DATED 05.10.2026 IN NO. EXE/BUD-6/VA-36/DTCR-134-2025-26 ISSUED BY THE R2 VIDE ANNEXURE-G.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**ORAL ORDER**

The present writ petition is filed questioning an endorsement dated 05.10.2026 in NO. EXE/BUD-6/VA-36/DTCR-134-2025-26 issued by respondent No.2 i.e., the Deputy Commissioner of Excise, Bengaluru Urban District.

2. The facts of the case are that a crime was registered under Sections 11, 13(1)(e), 14, 15, 32, 38(A), and 43 of the Karnataka Excise Act, 1965, on the ground that 5 liters of liquor, which is supposed to be sold in Puducherry, had been carried in the vehicle. Accordingly, the crime was

registered against the owner of the vehicle as well as the driver of the vehicle. The owner of the vehicle has filed Criminal Petition No.3702/2026, which was allowed and the Criminal Petition was quashed by order dated 18.03.2026. Thereafter, the driver of the vehicle has also filed Criminal Petition No.6125/2026. A coordinate bench of this Court, by order dated 17.07.2026, had quashed the FIR. This order is carried to the Hon'ble Apex Court by the State, given Diary No.67771/2026 is pending consideration. In the meantime, the owner of the vehicle has filed WP No.27297/2026 questioning the endorsement dated 05.08.2026 and seeking a direction to the respondent to release the seized vehicle. This Court, by order dated 09.09.2026, directed respondent No.2 to consider the representation of the petitioner in accordance with law within a period of two weeks from the date of receipt of the copy of the order. After the order is passed by this Court, the respondents have issued the endorsement that is impugned before this Court. As per the said endorsement, they have preferred an SLP; hence, pending disposal of the same, they cannot release the vehicle.

3. Learned counsel for the petitioner submits that no proceedings are pending against the petitioner and that the vehicle has been inoperative since 20.08.2025. It is further submitted that, when no proceedings are pending, the respondents cannot issue such an endorsement, and the endorsement needs to be set aside and a direction may be issued to release the vehicle.

4. Learned Additional Advocate General appearing on behalf of the respondents has drawn the attention of the court to the orders passed by the Co-ordinate benches of this court, where the FIR against accused Nos. 1 and 2 was quashed. It is submitted that accused No. 1 is the owner and accused No. 2 is the driver. In the owner’s quash petition, it was observed that the owner had nothing to do with it and that, as the driver was responsible, the court quashed the proceedings. When the driver approached the Court, the driver's petition was quashed because the owner‘s petition had already been quashed by the Court. It is submitted that, as these two orders are questioned before the Hon'ble Apex Court, at this point in time, if the

vehicle is released, it would be very difficult for the department to take further steps.

5. Having heard the learned counsels on either side, perused the material on record. This Court cannot go into the legality or otherwise of the orders passed in the criminal petitions, as they are the subject matter of the SLP before the Hon'ble Apex Court. As it stands, no proceedings are pending, and in both the cases the FIR’s have been quashed by the High Court. In that case, the respondent State cannot say that, unless the matter before the Hon'ble Apex Court is heard and disposed of, they will not release the vehicle. The petitioner's vehicle is lying idle, and the seized bottles are 5 liters. For more than one year, the petitioner-owner has been sustaining huge losses. There is no justification on the part of the respondents in not releasing the vehicle. Before the Hon’ble Supreme Court, if the State is successful, it is always open to the respondents to initiate appropriate proceedings. But that cannot be a reason not to release the vehicle. In those circumstances, this Court is passing the following:

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**ORDER**

i. The endorsement dated 05.10.2026 issued in NO. EXE/BUD-6/VA-36/DTCR-134-2025-26 by respondent No.2 i.e., the Deputy Commissioner of Excise, Bengaluru Urban District is ***set aside*** and the respondents are directed to release the vehicle forthwith.

ii. Pending IAs., if any, shall stand closed.

**SD/-**
**(LALITHA KANNEGANTI)**
**JUDGE**

PKN
List No.: 1 Sl No.: 1
*MR