



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 4338 OF 2024

BETWEEN:

Mohammed Asif
S/o Hassainar
Aged about 37 years
R/o Pampanagara,
2nd Cross,
Chikkamagaluru-577101.

...Petitioner

(By Sri. Girish B.Baladare, Advocate)

AND:

The State of Karnataka
State by Town Police Chikkamagaluru
Chikkamagaluru- 577101.
Represented by
State Public Prosecutor
High Court Building
Bangalore-560001.

...Respondent

(By Smt. R.Sowmya, HCGP)

This Criminal Petition filed u/s.439 of Cr.P.C., praying to enlarge the petitioner on bail in Cr.No.33/2018 registered by Chikkamagaluru Town Police Station, Chikkamagaluru for the offence punishable under Section 20(B)(II) of N.D.P.S.Act, pending on the file of Principal District and Sessions Judge and Special Judge, Chikkamagaluru in Spl.C.No.19/2022.

This Criminal Petition, coming on for orders, this day, order was made therein as under:



CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

ORAL ORDER

Heard Sri. Girish B. Baladare, learned counsel for the petitioner and Smt. R. Sowmya, learned High Court Government Pleader for the respondent.

2. The petitioner is accused no.11 in Cr.No.33/2018 registered at Chickmagalur Town Police Station for the offence under section 20(B)II of NDPS Act. The case is now registered in Spl.C.No.19/2022 pending on the file of Prl. District and Sessions Judge and Special Judge at Chickmagalur. The prosecution case is that 4 kgs 150 grams of ganja was seized by the police on 10.2.2018 on the basis of credible information received by them. The seizure was from the possession of other three accused viz., Vaseem Pasha, Zabiulla C.S. and Nazeema. Therefore it is clear that the petitioner i.e., accused no.11 was not at the spot when the ganja was seized. Added to this accused nos.1, 5, 6, 7, 10 and 12 have been released



on bail. The position of this petitioner is same as that of accused who have been released on bail. In this view there is no impediment for granting bail to the petitioner. Hence the following:

ORDER

The Petition is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.33/2018 of Chikkamagaluru Town Police Station, registered for the offence punishable under Section 20(B)II of NDPS Act, subject to the following conditions:

- (i) The petitioner shall execute his personal bond for a sum of Rs.2,00,000/-(Rupees Two Lakhs Only) with two sureties for the like-sum to the satisfaction of the jurisdictional court.
- (ii) The petitioner shall not indulge in tampering the evidence and shall not threaten the witnesses directly or indirectly.
- (iii) The petitioner shall appear before the jurisdictional court on all the future hearing dates unless exempted by the court for any genuine cause.



(iv) The petitioner shall not leave the jurisdiction of the trial Court without prior permission of the court till the case registered against him is disposed of.

**Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE**

sd
List No.: 1 Sl No.: 4