



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 15423 OF 2025 (439(Cr.PC) /
483(BNSS)

BETWEEN:

1. SRI.MOHAMMED AZAD @ AZAD,
S/O. LATE HABEEB,
AGED ABOUT 45 YEARS,
RESIDING AT NEAR MARKUD MASJID,
UTTAVAR VILLAGE, HATHI TALUK,
PALWAL DISTRICT,
HARYANA STATE PIN CODE-121 103.
2. SRI. WARIS, S/O. LATE NAWAB,
AGED ABOUT 28 YEARS,
RESIDING NEXT TO SIR PANCH OFFICE,
UTTWAR VILLAGE, HATHI TALUK,
VALWAL DISTRICT,
HARYANA STATE PIN CODE-121 103.
3. SRI. RAJU,
S/O.SHAMSHU,
AGED ABOUT 32 YEARS,
RESIDING AT ANDAKA VILLAGE,
NUHU TALUK AND DISTRICT,
HARYANA STATE PIN CODE-122 103.
4. SRI.MUBARIK,
S/O. SRI.SHAMSHU,
AGED ABOUT 36 YEARS,
RESIDING NEAR GOVERNMENT HOSPITAL,
SUDAK VILLAGE, NUHU TALUK AND DISTRICT,
HARYANA STATE PIN CODE-122 107.

Digitally Signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



5. SRI.HASEEN,
S/O. SRI.SOKEEN,
AGED ABOUT 20 YEARS,
RESIDING NEAR BIG MOSQUE,
REHANA VILLAGE, NUHU TALUK AND DISTRICT,
HARYANA STATE PIN CODE-122 107.
6. SRI.JAVEED,
S/O. LATE AYUB, AGED ABOUT 26 YEARS,
RESIDING NEAR POOLVALA MOSQUE,
UTTAVAR VILLAGE, HATHI TALUK,
PALWAL DISTRICT,
HARYANA STATE PIN CODE-121 103.
7. SRI. RAHIL,
S/O. LATE AYUB,
AGED ABOUT 23 YEARS,
RESIDING NEAR HARI MASJID,
NAYI VILLAGE, POONAHANA TALUK,
BICHOD POLICE LIMIT,
NUHU TALUK AND DISTRICT,
HARYANA STATE PIN CODE-122 508.
8. SRI.MOHAMMED AFSAR,
S/O. SRI.MOHAMMED SAYEED,
AGED ABOUT 26 YEARS,
RESIDING NEAR DARGA MASJID,
KAITWARA VILLAGE, GOPAL GHAR TALUK,
DEEG DISTRICT,
RAJASTAN STATE
PERMANENT RESIDENT OF PEOPLE VALI LANE,
MOTIYA KHAN, SWAMY MARG ROAD,
BEHIND SADAR BAZAR POLICE STATION,
CENTRAL DELHI - 110 055.

...PETITIONERS

(BY SRI.SURESH M CHARAMAGOL., ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
BY GULPET POLICE STATION,
KOLAR, REPRESENTED BY SPP
HIGH COURT OF KARNATAKA BANGALORE,
PIN CODE-560 001.

...RESPONDENT

(BY SRI.CHANNAPPA ERAPPA., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 (FILED UNDER SECTION 483 OF THE BNSS, 2023) CR.P.C PRAYING TO ENLARGE THE PETITIONERS/ACCUSED NO.3 TO 10 ON BAIL IN CRIME NO.116/2025 FOR OFFENCE PUNISHABLE UNDER SECTION 20(B)(II)C OF NDPS ACT 1985 REGISTERED BY RESPONDENT GULPET POLICE STATION, PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KOLAR.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused Nos.3 to 10 under Section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023 praying to grant bail in Crime No.116/2025 of Gulpet Police Station registered for the offences punishable under Section 20(b)(ii) C of Narcotic Drugs and Psychotropic Substances Act, 1985.



2. Heard the learned counsel for petitioner and learned High Court Government Pleader for respondent/State.

3. The learned counsel for the petitioners would contend that the police secured the petitioners on 11.09.2025 and kept them in illegal custody until 18.09.2025, thereafter foisting a false case against them, solely on the ground that they were working under accused Nos.1 and 2 in the cow business. The car, which was in police station premises prior to 18.09.2025, has been used to implicate the petitioners. The photos of the said car in the premises of the police station taken on 16.09.2025 itself indicate the said aspect. The petitioners have made representations to different authorities regarding their illegal detention by the police. While weighing the articles, they were weighed including the packing in order to see that, it reaches commercial quantity. The call details are obtained upto 11.09.2025 only pertaining to some accused itself indicate that, the



petitioners have been falsely implicated. Accused Nos.1 and 2 have been granted bail by the Trial Court. As the charge sheet is filed, the petitioners are not required for custodial interrogation. With this, he prayed to allow the petition.

4. Per contra, the learned High Court Government Pleader for respondent/State would contend that, the petitioners are the residents of Haryana State except petitioner No.8, who is the resident of Delhi. The voluntary statement of petitioners itself indicates their involvement in the present case. The seized articles were sent for examination and FSL report indicates that, the seized articles are positive for ganja. The offence alleged against the petitioners is punishable with imprisonment which may extend to twenty years and fine. The charge sheet shows a prima facie case against the petitioners for the offences alleged against them. With this, he prayed to reject the petition.



5. Having heard the learned counsel, the Court has perused the charge sheet and other material placed on record.

6. The case of prosecution is that, when the police officials, namely, CWs.1 to 14 were on patrolling duty on 18.09.2025, they found a Mahindra Xylo vehicle of white colour bearing registration No.HR-26-EB-3492 and accused Nos.3 to 10 were in the said vehicle, and on inquiry, they told that, in the car they kept ganja in a bag. The respondent have checked the said bag in the presence of a Gazetted Officer. The bag was found to contain ten packets wrapped with brown coloured tape. The total weight of all ten packets was 20 kilograms and 580 grams, and the same was seized under a mahazar.

7. The learned counsel for the petitioners would contend that including the packing materials, the said weight has been taken only to see that, it reaches the commercial quantity. Even for the sake of arguments, if



packing is excluded, it may be lesser than commercial quantity, but higher than small quantity. The offences alleged against the petitioners are punishable with imprisonment, which may extend to twenty years. Since the quantity of ganja seized is commercial quantity, the rigor of Section 37 of NDPS Act is applicable, since the petitioners were found possessing ganja. At this stage, it cannot be said that they are not involved in commission of offence under the NDPS Act. The seized contraband has been sent for FSL examination, and the FSL report indicates that, the contraband seized is positive for ganja. The petitioners are residents of the State of Haryana and Delhi. Whether they were kept in illegal custody between 11.09.2025 and 18.09.2025, as alleged, cannot be examined at this stage, as the materials produced are insufficient to ascertain the same. If the petitioners are granted bail, there are chances of their absconding and committing similar offences.



8. Considering the above aspects, the petitioners have not made out any grounds for grant of bail.

In the result, the following:

ORDER

The petition is dismissed.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 8