



CNR: KAHC010074212026

NC: 2026:KHC:51813
CRL.P No. 1526 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 1526 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. DRUV D. SHETTY @ DRUVAN SHETTY
S/O. DIWAKARA SHETTY,
AGED ABOUT 22 YEARS,
R/AT. KRISHNAGIRI COFFEE ESTATE,
BYAKARAVALLI, SAKLESH PURA TALUK,
HASSAN DISTRICT-573134.
2. PRAJWAL PHINEHAS
S/O. SAMUEL,
AGED ABOUT 32 YEARS,
R/AT #14-8-360,
NURSING JHARNA ROAD,
EDEN COLONY, MANGALPETE,
BIDAR, KARNATAKA-585401.

PRESENT ADDRESS:
NO.105, NANDINI FIELD APARTMENT,
KODIPALLYA KENGERI,
BENGALURU CITY-560 060.

...PETITIONERS

(BY SRI. ARSHAD M.P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANGALORE CEN CRIME POLICE STATION,
REP. BY SPP,



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HIGH COURT BUILDING,
BANGALORE 560 001.

2. SHOBHA
AGED ABOUT 55 YEARS,
R/A. PSI CEN CRIME POLICE STATION,
MANGALURU CITY,
MANGALORE D.K.-575 001.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS), PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN SPL.C.NO.186/2025 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE AT MANGALORE D.K., ARISING OUT OF CRIME NO.31/2025 REGISTERED BY THE MANGALORE CEN CRIME POLICE STATION, FOR THE OFFENCE PUNISHABLE U/S. 8(c), 20(b)(ii)B, 27(b) OF NDPS ACT.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioners are before this Court seeking to quash the entire proceedings pending against them in Spl.C.No.186/2025, on the file of the Court of Principal District and Sessions Judge at Mangalore, D.K.



2. The above case arise out of Crime No.31/2025 registered at CEN Crime Police Station, Mangalore City, for the offences punishable under Section 8(c), 20(b)(ii)B of the NDPS Act, 1985, which culminated in filing of the chargesheet.

3. As per the contents of the FIR, on 02.07.2025 at about 04:00 p.m., the police received a credible information regarding certain accused persons trying to sell ganja, allegedly supplied to them by the petitioners. Following the said information, a raid was conducted and accused Nos.1 to 5 were apprehended. From their possession a total quantity of 5.759 kgs of ganja, cash of Rs.5,20,000/-, six mobile phones, a two wheeler bearing registration No.KA-19-HR-7767 and a weighing machine were seized.

4. The petitioners are shown as accused Nos.6 and 7 in the FIR. According to the prosecution, the ganja which was seized from accused Nos.1 to 5 was supplied by the



petitioners and accused Nos.1 to 5 were attempting to sell it to the public, including students.

5. Upon completion of investigation, the chargesheet was filed against 10 accused persons for the offences punishable under Sections 8(c), 20(b)(ii)B, 27(b) of the NDPS Act, 1985. A perusal of the charge sheet material goes to show that on the basis of the voluntary statements of accused No.1, accused No.6 was arraigned as an accused and on the basis of the voluntary statements of accused Nos.6, 8 to 10, accused No.7 was arraigned as an accused.

6. The learned High Court Government Pleader has contended that both the petitioners are habitual offenders, involved in peddling of ganja and against accused No.6, there is one case and against accused No.7, three cases of similar nature are registered. She contended that the petitioners have supplied the ganja



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seized in this case to accused Nos.1 to 5 and therefore, there is a *prima-facie* case against them.

7. A perusal of the entire material on record goes to show that except the voluntary statements of the co-accused, there are no materials against them showing their involvement in the alleged commission of the offence. Though in the FIR, it is stated that a credible information was received that the petitioners have supplied ganja to other accused, it is not forthcoming as to what was the source of the said information. Be that as it may, the petitioners were neither arrested from the spot nor any contraband was recovered from them. From petitioner No.1, a mobile phone and his motorcycle and from petitioner No.2, a mobile phone and a bag were seized. Except the said materials, no other incriminating articles/materials are seized from them. Only on the voluntary statement of the accused or on the ground that there are other criminal cases registered against the petitioners, they cannot be prosecuted in this case. Hence



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the proceedings against the petitioners is an abuse of process of the Court. The petition succeeds. Accordingly, the following:

ORDER

i) Petition is ***allowed.***

ii) The entire proceeding in Spl.C.No.186/2025 on the file of the Principal District and Sessions Judge at Mangaluru, D.K., arising out of Crime No.31/2025 as against the petitioners / accused Nos.6 and 7 is hereby ***quashed.***

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

LDC
List No.: 1 Sl No.: 10