



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 3756 OF 2026

BETWEEN:

1. MURALI N
S/O NARAYANASWAMY
AGED ABOUT 38 YEARS
PRESENT R/AT C/O MUNIRAJU HOUSE
KADAYARAPANAHALLI VILLAGE
B K HALLI POST
MYLANAHALLI, BAGLUR
BENGALURU - 560 083

... PETITIONER

(BY SRI. JEEVAN J. NEERALGI, ADVOCATE FOR
SRI DEENABANDHU RAI N., ADVOCATE)

AND:

1. STATE BY KARNATAKA
CCB (OCW) EAST POLICE STATION
BENGALURU

NOW REP BY STATE PUBLIC PRSECUTOR
HIGH COURT OF KARNATAKA AT BENGALURU
HIGH COURT COMPLEX
BANGALURU - 560 001

... RESPONDENT

(BY SMT. RASHMI JADHAV, ADDL. SPP)

THIS CRL.P FILED U/S 483 BNSS, 2023, PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN CR.NO.54/2025, NOW
IN SPL.C.C.NO.60/2026 FOR THE OFFENCE P/U/S 8(c),
20(b)(ii)(A)(B)(C) OF NDPS REGISTERED BY THE CCB (OCW)
EAST P.S. ON THE FILE OF THE XXXIV ADDL.CITY CIVIL AND
SESSIONS JUDGE AND SPL.JUDGE (NDPS) AT BENGALURU.



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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in Spl.C.C.No. 60/2026 pending before the Court of XXXIV Additional City Civil and Sessions Judge and Special Judge (NDPS), Bangalore, arising out of Crime No.54/2025 registered by CCB Police, Bangalore, for the offences punishable under Sections 20(b)(ii)(A)(B)(C) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act' for short) is before this Court in this criminal petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the petitioner and the learned Additional SPP for the respondent/State.

3. FIR in Crime No. 54/2025 was registered by CCB, Bangalore, for the aforesaid offences against unknown persons based on the first information dated 26.06.2025 received from Sri. Veeresh R, Police officer



attached to CCB, Bangalore. During the course of investigation of the present case, petitioner herein was arrested on 27.06.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against him for the aforesaid offences. His bail application filed in Crl.Misc.No. 1057/2026 was rejected on 11.02.2026. Therefore, he is before this Court.

4. Perusal of the material on record would go to show that based on a credible information that a person was attempting to sell contraband article near Kanteerava Stadium in Bangalore, FIR was registered for the aforesaid offences against unknown person and thereafter in the raid that was conducted, petitioner was apprehended and from his possession, contraband article allegedly Hashish oil weighing 1 Kg. 30 Gms. was recovered and seized under a seizure mahazar. Subsequently, petitioner was arrested and remanded to judicial custody. Perusal of the seizure mahazar dated 27.06.2025 would reveal that in addition to the aforesaid contraband article, a mobile



phone of the petitioner, which he was having in his hand, was also seized under the said panchanama. A reading of the recovery panchanama would reveal that there is no compliance of Section 50 of the NDPS Act in the present case.

5. The Hon'ble Supreme Court in the case of ***Vijaysinh Chandubha Jadeja v. State of Gujarat - (2011) 1 SCC 609*** and also in the case of ***Arif Khan @ Agha Khan v. State of Uttarakhand - (2018) 18 SCC 380*** has held that non-compliance of Section 50 would be fatal to the case of the prosecution. In the case of ***Vijaysinh Chandubha Jadeja (supra)***, the Hon'ble Supreme Court has observed that failure to comply with the mandatory provision of law would not only cause prejudice to the accused, but also render recovery of contraband articles suspicious.

6. In the present case, the Gazette Officer had allegedly asked the petitioner whether he has got any



contraband article in his person and he also had given a notice to him that in such event, he has got a right to be searched either before a Gazetted Officer or before the nearest jurisdictional Magistrate. In the recovery mahazar, it is mentioned that the petitioner had informed in writing that his personal search is not necessary because he does not have any contraband article in his possession. However, the fact remains that a mobile phone has been seized in the present case from the person of the petitioner.

7. It is trite that even if the police seizes any article from the person of an accused under a recovery mahazar in which the contraband article has been seized, then compliance of Section 50 of the NDPS Act becomes necessary. The law in this regard has been laid down by the Hon'ble Supreme Court in the case of ***Vijaysinh Chandubha Jadeja (supra)***. It is also found that the contraband article allegedly has been weighed in the present case along with a plastic container and a cora



cloth. Under the notification issued under the provisions of the NDPS Act, Hashish oil weighing upto 1 kg. is considered as 'intermediate quantity' and only above 1 kg. is considered as 'commercial quantity'.

8. In the case on hand, the contraband article has not been separately weighed and on the other hand, it is weighed with plastic container and cora cloth. The total weight of the contraband article with plastic container and cora cloth is 1 kg. 30 Gms.

9. Under the circumstances, a doubt arises whether the contraband article is of commercial quantity or the same is of intermediate quantity. Therefore, the rigor under Section 37(1)(b) of the NDPS Act cannot be made very strictly applicable to the case on hand. It is not in dispute that the petitioner has no other criminal antecedents of similar nature.

10. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular



bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, the following:

ORDER

The petition is **allowed**. The petitioner is directed to be enlarged on bail in Spl.C.C.No. 60/2026 pending before the Court of XXXIV Additional City Civil and Sessions Judge and Special Judge (NDPS), Bangalore, arising out of Crime No.54/2025 registered by CCB Police, Bangalore, for the offences punishable under Sections 20(b)(ii)(A)(B)(C) and 8(c) of the NDPS Act, subject to the following conditions:

- a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the date of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;



- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed of.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

VP