



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.4471 OF 2026
(439(Cr.PC)/483(BNSS))

BETWEEN:

1. SRI REJI
S/O MAJEED ASSAN KUTTY RAWTHER,
AGED ABOUT 41 YEARS,
R/O 21, 12/682,
PEEDIKAYIL HOUSE,
PARAKODE,
PARAKODE P.O,
DIST: PATHANAMTHITTA,
KERALA – 691 554.
2. SMT. RAJI V.B,
W/O REJI,
AGED ABOUT 46 YEARS,
R/O VELLOOPARAMBIL HOUSE,
EDATHIRINJI,
EDATHIRINJI,
THRISSUR,
KERALA – 680 122.

...PETITIONERS

(BY SMT. BINU M., ADVOCATE)



AND:

1. UNION OF INDIA
NARCOTICS CONTROL BUREAU,
BANGALORE ZONAL UNIT,
REPRESENTED BY HCGP/SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. SHRIDEVI BHOSALE MARUTI, ASG)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS)
PRAYING THAT TO ENLARGE THE PETITIONERS ON BAIL IN
SPL.C.C.NO.2297/2025 ARISING OUT OF
NCB.F.NO.48/1/18/2025/BZU, PENDING BEFORE THE LEARNED
XXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL
JUDGE (NDPS) BENGALURU (CCH-33), REGISTERED BY
NARCOTICS CONTROL BEREAU, BZU, FOR THE OFFENCES
P/U/S 8(c) R/W 20(b)(ii)(c), 23(c), 28 AND 29 OF NDPS ACT,
1985 AND ETC.,

THIS CRIMINAL PETITION HAVING BEEN HEARD AND
RESERVED ON 28.04.2026, COMING ON FOR
PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT
MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



CAV ORDER

1. The petitioners/accused Nos.1 and 2 are before this Court seeking regular bail in Spl.C.C.No.2297/2025 pending before the learned XXXIII Addl. City Civil and Sessions Judge & Spl. Judge (NDPS), Bengaluru (CCH-33), arising out of NCB Crime No.NCB.F.No.48/1/18/2025/BZU registered by the respondent – Narcotics Control Bureau (for short, 'NCB') for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(c), 23(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act').

Brief facts of the case:

2. The case of the prosecution is that, on 02.05.2025, the complainant had received information that three persons traveling from Bangkok (Thailand) to Bengaluru by Thai Airways, were suspected to be carrying ganja in their luggage, which was to be delivered to accused Nos.3 and 4. The said information was reduced into writing in NCB Form No.1 and reached the Terminal-2 Arrival at KIA Airport, Bengaluru, along with NCB officials and also two



independent witnesses. The NCB Team intercepted all five persons and enquired the said persons and also checked their luggage. From the baggage of A1 and A2, 16 Kgs., of ganja was recovered. From the baggage of A5, 4.5 Kgs., of ganja was recovered. In total, 20.5 Kgs., of ganja was seized and panchanama was prepared before two independent witnesses on 03.05.2025. The investigation is under progress.

3. Heard Smt. Binu M., learned counsel for the petitioners and Smt. Shridevi Bhosale Maruti, learned Central Government Standing Counsel for respondent.
4. The submission of learned counsel for the petitioners is that the petitioners are innocent of the alleged offences and they have been falsely implicated in this case.
5. It is further submitted that, as per the seizure panchanama, NCB has seized 8 Kgs., of ganja each from accused Nos.1 and 2, which is considered as an intermediate quantity. The process of conducting search, as stipulated under the NDPS Act, was not followed.



Under such circumstances, it is not appropriate to allow the petitioners to languish him in judicial custody. Therefore, they may be enlarged on bail by imposing suitable conditions. They will abide by the conditions to be imposed in the event of their release on bail. Making such submissions, the learned counsel for the petitioners prays to allow the petition.

6. *Per contra*, learned Central Government Standing Counsel / Spl. Counsel for respondent - NCB vehemently submitted that the petitioners were carrying contraband. In total, 20.5 Kgs., of ganja was seized from the accused. Since all the accused are co-related, the seized ganja can be considered as a commercial quantity. Therefore, it may not be appropriate to grant them bail. Making such submissions, learned Spl. Counsel for the respondent - NCB prays to reject the petition.
7. Heard the learned counsel for the respective parties and perused the averments of the complaint, which would indicate that the petitioners were traveling from Bangkok (Thailand) to Bengaluru. It is alleged that, the petitioners



were carrying ganja. 8 Kgs., of ganja was recovered from each of them. No doubt, the ganja which was seized from them has to be considered individually. Joint recovery is not permissible under law. Therefore, the seized ganja can be considered as intermediate quantity from each persons. Hence, it is appropriate to grant them bail considering that they are not the habitual offenders. It is needless to state that if the suitable conditions are imposed that would take care of the apprehension of prosecution.

8. Hence, I proceed to pass the following:-

ORDER

- i) The Criminal Petition is ***allowed***.
- ii) The petitioners are ordered to be enlarged on bail in Spl.C.C.No.2297/2025 pending before the learned XXXIII Addl. City Civil and Sessions Judge & Spl. Judge (NDPS), Bengaluru (CCH-33), arising out of NCB Crime No.NCB.F.No.48/1/18/2025/BZU registered by the respondent - NCB for the offences stated supra, on executing personal bond for a sum



of Rs.2,00,000/- (Rupees Two Lakh only) each with one local surety each for the likesum to the satisfaction of the Trial Court.

- iii) The petitioners shall surrender their passports before the Trial Court until disposal of the case.
- iv) Upon surrendering of the passports, the Trial Court shall keep them in safe custody until disposal of the case.
- v) The petitioners shall appear before the Trial Court on all hearing dates without fail.
- vi) The petitioners shall not commit / indulge in any other criminal offences till disposal of the case.

In case the petitioners violate any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

BSS