



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 4789 OF 2026

BETWEEN:

SRI. SRUJAN S SHETTY
S/O SRI. SEETHARAM,
AGED ABOUT 21 YEARS,
R/AT THODAR VILLAGE,
MIJAR POST, MANGALORE TALUK,
DAKSHINA KANNADA-575 001.

...PETITIONER

(BY SRI. RAJASHEKARA R.V., ADVOCATE (P/H))

AND:

STATE OF KARNATAKA
BY SAGAR TOWN POLICE STATION,
SHIVAMOGGA DISTRICT-577 401.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP (P/H))

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO: (1) CALL FOR THE RELEVANT RECORDS; (2) AND QUASH THE ENTIRE PROCEEDINGS PENDING IN CC.NO.1018/2023, ON THE FILE OF THE LEARNED PRINCIPAL CIVIL JUDGE AND JMFC., SAGAR, SHIVAMOGGA DISTRICT WHICH IS AGAINST THE PETITIONER/ACCUSED NO.1, FOR THE



OFFENCES PUNISHABLE UNDER SECTION 8(C), 22(A), 29, 30 OF NDPS ACT AND SECTION 201 OF INDIAN PENAL CODE.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Learned High Court Government Pleader takes notice for the State.

2. Petitioner arraigned as accused No.1 in Crime No.49/2023 of Sagar Town Police Station has preferred this petition to quash the entire proceedings pending in CC No.1018/2023 on the file of the Court of Principal Civil Judge at JMFC, Sagar, Shivamogga District.

3. Heard the learned counsel for petitioner and learned High Court Government Pleader for the State and perused the materials on record.

4. FIR is registered against accused Nos.1 to 5 for the offence punishable under Section 8(C), 22(A), 27(a), 29 and 30 of the NDPS Act, 1985, on a suo motu



complaint lodged by the Police Inspector, Sagar Town Police Station, Shivamogga.

5. It is alleged that on 13.03.2023 at about 03.00 a.m., a credible information was received that a certain person travelling from Mangaluru to Sagar by bus, was intending to hand over drugs to the persons travelling in a Maruthi Suzuki Swift Dezire car bearing registration No.KA 15-N-1137. After reducing the said information in the Station House Diary, the complainant proceeded to the spot along with panchas and a Gazetted Officer. They apprehended accused Nos.1 to 3 and from them mobile phones, prepaid sims, cash of Rs.200 and 1.06 grams of drugs, a bottle with a label 'Kings Heena 25 grams', sheet of tablets and the car were seized under a mahazar.

6. On completion of investigation, charge sheet was filed against accused Nos.1 to 7 for the offence punishable under Sections 8(C), 22(A), 29 and 30 of NDPS Act and Section 201 of IPC.



7. It is the case of prosecution that the petitioner/accused No.1 had acquaintance with accused No.4 an under trial prisoner in Shivamogga Central Prison. Accused No.4 had acquaintance with accused Nos.5 and 7 who were also lodged in the prison. Accused No.5 was a friend of accused Nos.2 and 3. Accused Nos.4 and 7 with the help of accused No.5, using a mobile phone from the jail requested accused Nos.1 and 6 to procure drugs. Accordingly, accused No.6 procured drugs and gave to accused No.1 and in turn accused No.1, at the behest and direction of accused Nos.4, 5 and 7 contacted accused Nos.2 and 3. On 13.03.2023 when accused No.1 was giving the drugs to accused Nos.2 and 3 in a swift car bearing registration No.KA-15-N-1137 at about 04.45 p.m., all the three accused were apprehended.

8. It is contented by the learned counsel for petitioner that except the official witnesses there are no independent witnesses in this case and merely on the basis of the statements of the official witnesses, it cannot



be said that the petitioner has committed any offence much less the one alleged against him. He contented that the petitioner is innocent and he has been falsely implicated in this case. No proper procedure was followed while apprehending the petitioner and seizing the drug. Proceedings against accused No.5 has been quashed by this Court. Therefore, sought to allow the petition and quash the proceedings against the petitioner.

9. Per contra, the learned High Court Government Pleader contended that the complainant, on receiving the credible information went to the spot along with a Gazetted Officer and two panchas and apprehended accused Nos.1 to 3 and recovered incriminating articles from them. He contended that the seizure mahazar has been conducted in the presence of panchas and even otherwise the statements of the official witnesses cannot be discarded. He contended that the petitioner along with other accused is involved in procuring and supplying the



drugs to the inmates of the prison. Hence, sought to dismiss the petition.

10. The material on record reveals that apart from other articles, 1.06 grams of methamphetamine a stimulant drug was also seized in this case. The petitioner and accused Nos.2 and 3 were apprehended from the spot. At this stage, there is a prima facie case against the petitioner. Therefore, the contention of the counsel that the petitioner is innocent and not involved in any offence cannot be accepted.

11. Insofar as accused No.5 is concerned, the proceedings against him was quashed by this Court in Crl.P No.14763/2025, as his name was included in the FIR on the basis of the confessional statement of the co-accused. The said accused was not present at the spot when the raid was conducted. The allegations against the said petitioner was that he along with accused No.4, destroyed the mobile phone used for contacting accused No.1. Hence, by virtue of Section 201 IPC he was



arraigned as accused No.5 in the chargesheet. This Court while allowing his petition has observed that the confessional statement of the co-accused is not a substantive evidence and cannot be relied upon and further, there is absolutely no material to show that he has destroyed the mobile phone. Hence, quashing of the proceedings against accused No.5 will not enure to the benefit of the petitioner. The petitioner is at liberty to seek his discharge, if so advised.

Petition is ***dismissed***.

I.A.No.1/2025 is disposed of.

The observations made in this order are confined only to this petition.

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