



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 5757 OF 2026

BETWEEN:

1. RAMASWAROOP @
RAMASWAROOP DHAKA,
S/O TEJARAM DHAKA,
AGED ABOUT 34 YEARS,
R/AT FEENCH,
JODHPUR DISTRICT,
RAJASTHAN-342 801-577 101

... PETITIONER

(BY SRI. DILRAJ JUDE ROHIT SEQUEIRA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY STATION HOUSE OFFICER,
VIDYANAGAR POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

... RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S 483 BNSS, 2023, PRAYING TO ENLARGING THE PETITIONERS ON BAIL IN CONNECTION WITH THE CASE REGISTERED BY THE VIDYANAGARA POLICE STATION IN CRIME NO. 295/2025 FOR THE OFFENCES PUNISHABLE UNDER SEC. 8(c), 238, 20(b)(ii) A, 27, 27A, 22 (C) AND 29 OF NDPS ACT REGISTERED AGAINST THE



ACCUSED NO. 01 FOR THE OFFENCES PUNISHABLE UNDER SEC. 8(c), 238, 20(b)(ii) A, 27, 27A, 22 (C) AND 29 OF NDPS ACT, NOW PENDING ON THE FILE OF THE HONORABLE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE AT DAVANGERE.

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 Crime No. 295/2025 registered by Vidyanagar Police Station, Davanagere, for the offences punishable under Sections 20(b)(ii)A, 22(C), 8(c), 27, 27A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act' for short) and Section 238 of the Bharatiya Nyaya Sanhitha, 2023 (hereinafter referred to as 'BNS, 2023' for short), is before this Court in this 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 HCGP for the respondent/State.



3. FIR in the present case was registered in Crime No. 295/2025 by Vidyanagar Police Station, Davanagere, initially for the offences punishable under Sections 20(b)(ii)A and 8(c) of NDPS Act, against 4 unknown persons based on the first information dated 22.12.2025, received from Swamilingappa, police officer attached to Vidyanagar Police Station. In a raid that was conducted subsequently, petitioner and 3 others were apprehended and from their possession, contraband article of commercial quantity was seized under a seizure panchanama. On 22.12.2025, accused Nos. 1 to 4 were remanded to judicial custody and after completing investigation, charge sheet has been filed against 13 persons. Petitioner is arraigned as accused No. 1 in the charge sheet. His bail application filed before the trial Court in Crime No. 295/2025 was rejected on 13.01.2026. Therefore, he is before this Court.



4. Perusal of the material on record would go to show that based on credible information received, FIR was initially registered against unknown persons for the aforesaid offences punishable under the NDPS Act. In the raid that was conducted subsequently, petitioner herein and accused Nos. 2 to 4 were apprehended and from their possession, contraband articles allegedly Mephedrone and Opium of commercial quantity were recovered and seized under a seizure mahazar dated 22.12.2025.

5. A reading of the seizure mahazar would go to show that the Gazetted Officer who has complied with the requirement of Section 50 of the NDPS Act in the present case was part of the raiding team and he had accompanied the said team in his official jeep. The Hon'ble Supreme Court in the case of ***State of Rajasthan v. Parmanand and another - (2014) 5 SCC 345*** has held that the Gazetted Officer who was part of the raiding team cannot be considered as an independent officer for the purpose of compliance of Section 50 of the NDPS Act and search



conducted by such Gazetted Officer would vitiate the proceedings.

6. Undisputedly, petitioner has no other criminal antecedents. Accused Nos. 2, 3 and 4 have been granted regular bail by the Co-ordinate Bench in Crl.P. No. 2238/2026 disposed of on 28.04.2026, Crl.P.No. 4414/2026 disposed of on 17.04.2026 and Crl.P. No. 1316/2026 disposed of on 03.03.2026 respectively. Investigation of the case is completed and charge sheet has been filed. The other accused persons are also stated to have been granted regular bail by this Court.

7. 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 Crime No. 295/2025 registered by



Vidyanagar Police Station, Davanagere, for the offences punishable under Sections 20(b)(ii)A, 22(C), 8(c), 27, 27A, 29 of NDPS Act and Section 238 of BNS, 2023, 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, out of which, one shall be local surety, 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