



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7489 OF 2026

C/W

CRIMINAL PETITION NO. 7239 OF 2026

IN CRL.P No. 7489/2026:

BETWEEN:

SAIYED SUFHEN @ SHERU
S/O SYED AHMED
AGED ABOUT 23 YEARS
OCC CENTERING WORK
R/O DOOR NO.495, 2ND MAIN
3RD CROSS, RAJEEV GHANDI BADAVANE
DAVANAGERE - 577 001.

...PETITIONER

(BY SRI P.B. UMESH, ADV.,
SRI RAVINDRA B. DESHPANDE, ADV.)

AND:

THE STATE OF KARNATAKA BY
DAVANAGERE EXTENSION POLICE
STATION, DAVANAGERE CITY
SUB-DIVISION, DAVANAGERE - 577 002
(REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDINGS
BENGALURU - 560 001)

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.82/2026
REGISTERED BY DAVANAGERE EXTENTION P.S., DAVANAGERE, FOR
THE OFFENCE P/U/S 20(b)(ii)(B) OF NDPS ACT, 1985, PENDING
BEFORE THE PRL. DISTRICT AND SESSIONS COURT, DAVANAGERE.



NC: 2026:KHC:34500
CRL.P No. 7489 of 2026
C/W CRL.P No. 7239 of 2026

IN CRL.P NO. 7239/2026:

BETWEEN:

MOHAMMED THOUFIC @ THOUFI
S/O S.K. KOUSHAR
AGED ABOUT 31 YEARS
OCC TILES WORK, R/O 1ST MAIN
3RD CROSS, VINOBANAGARA
DAVANAGERE - 577 006
OWN HOUSE: 10TH CROSS
B.D. LAYOUT, DAVANAGERE - 577 001
(NAME AND ADDRESS AS PER REMAND
APPLICATION) THOUFIC @ THOUFI
R/O 2ND MAIN, 4TH CROSS, VINOBANAGARA
DAVANAGERE - 577 006
(NAME AND ADDRESS MENTIONED IN THE
CAUSE TITLE OF TRIAL COURT'S ORDER)
(PETITIONER/ACCUSED NO.1 IS IN
JUDICIAL CUSTODY)

...PETITIONER

(BY SRI P.B. UMESH, ADV., FOR
SRI RAVINDRA B. DESHPANDE, ADV.)

AND:

THE STATE OF KARNATAKA BY
DAVANAGERE EXTENSION POLICE STATION
DAVANAGERE CITY SUB-DIVISION
DAVANAGERE - 577 002
(REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDINGS
BENGALURU - 560 001)

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME
NO.82/2026 OF DAVANAGERE EXTENSION POLICE STATION,
DAVANAGERE (REGISTERED FOR THE OFFENCE P/US/
20(b)(ii)(B) OF NDPS ACT 1985 NOW PENDING ON THE FILE OF
PRINCIPAL DISTRICT AND SESSIONS COURT DAVANAGERE)
PENDING THE TRIAL.



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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused Nos.1 and 2 in Crime No.82/2026 registered by Davanagere Extension Police Station, Davanagere, for the offence punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 7, 25(A) of Indian Arms Act, 1959 are before this Court in these two petitions filed under Section 483 of BNSS, 2023, seeking regular bail.
2. Heard the learned counsel for the parties.
3. FIR in Crime No.82/2026 was registered by Davanagere Extension Police Station, Davanagere, for the aforesaid offence against petitioners and another based on the first information dated 24.04.2026 received from police officer attached to Davanagere Extension Police Station, Davanagere. In the said case, petitioners were arrested on 24.04.2026 and remanded to judicial custody. Their bail application filed before the Trial



Court in Crime No.82/2026 was rejected on 06.05.2026. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that seized contraband articles is of intermediate quantity and petitioners do not have any criminal antecedents. Investigation of the case is completed and charge sheet has been filed. Accordingly, he prays to allow the petitions.

5. Per contra, learned HCGP has opposed the petitions however, he does not dispute the submission made by learned counsel for the petitioners.

6. Perusal of the material on record would go to show that based on credible information received, on 23.04.2026 at about 10.45 p.m., a raid was conducted to the alleged spot where accused Nos.1 and 2 were attempting to sell the contraband article to the public and at the said spot, petitioners were apprehended and from their possession, contraband article allegedly Ganja weighing 1 kg 383 grams was recovered and was seized under a panchanama. Subsequently, they were arrested and FIR was registered against them and another for



the aforesaid offences. It is not in dispute that the petitioners do not have any other criminal antecedents. The seized contraband article is a little more than small quantity and therefore, it is required to be considered as intermediate quantity. The rigour under Section 37(1)(b) of the NDPS Act, cannot be made applicable to the present case since the seized contraband article is only of intermediate quantity. Investigation of the case is completed and charge sheet has been filed. Petitioners have undertaken to abide by the conditions that may be imposed on them by this Court while granting bail. Accordingly, the following order:-

7. The petitions are allowed. The petitioners are directed to be enlarged on bail in Crime No.82/2026 registered by Davanagere Extension Police Station, Davanagere, for the offence punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 7, 25(A) of Indian Arms Act, 1959 subject to the following conditions:

- a) Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the



likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE