



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 7374 OF 2026

BETWEEN:

PRAVEEN JOYSON D'SOUZA
S/O SEBASTIN D'SOUZA
AGED ABOUT 43 YEARS
R/AT 10-80/4 PREETHINAGARA
SHAKTHINAGARA, MANAGLURU
D.K. - 575 016.

...PETITIONER

(BY SRI K. ANURAG KINI, ADV., FOR
SRI DHANANJAY KUMAR, ADV.)

AND:

STATE OF KARNATAKA
BY MANAGLORE RURAL POLICE STATION
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. RASHMI JADHAV, ADDL. SPP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ENLARGE THE PETITIONERS/ACCUSED NOS. 2 ON
REGULAR BAIL IN CRIME NO.39/2026 OF MANGALURU RURAL
POLICE STATION PENDING ON THE FILE OF PRL. DISTRICT AND
SESSIONS JUDGE, MANGALORE REGISTERED FOR THE OFFENCES
PUNISHABLE UNDER SECTIONS 8(c), 22(c), 29 OF THE NDPS ACT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY





ORAL ORDER

1. Accused no.2 in Crime No.39/2026 registered by Mangalore Rural Police Station, Mangaluru City, for the offences punishable under Sections 8(c), 22(c), 29 of NDPS Act, 1985, is before this Court in this petition filed under Section 483 of BNSS, 2023, seeking regular bail.
2. Heard the learned Counsel for the parties.
3. FIR in Crime No.39/2026 was registered by Mangalore Rural Police Station, Mangaluru City, for the aforesaid offences against one Sham Shankar and the petitioner herein based on the first information dated 18.04.2026 received from Arun Kumar - Police Officer attached to Mangalore Rural Police Station. In the said case, petitioner was arrested on 18.04.2026 and remanded to judicial custody. Bail application filed by the petitioner before the jurisdictional Sessions Court in Crime No.39/2025 was rejected on 07.05.2026.
4. Perusal of the material on record would go to show that based on credible information, accused nos.1 & 2 were



apprehended on 18.04.2026 and from their possession, contraband articles were seized.

5. It is the case of the prosecution that from the possession accused no.1, two zip lock covers containing 2.11 grams and 2.04 grams of contraband article MDMA, and from the possession of accused no.2, one zip lock cover containing 10.43 grams of contraband article MDMA, were recovered. Recovery mahazar as well as the first information submitted in the present case would reveal that in addition to the contraband article, the police have also recovered the mobile phone and cash from the person of accused nos.1 & 2.

6. The material on record would go to show that there is no compliance of Section 50 of the Act in the present case and the reason assigned by the prosecution is that the accused persons had stated that since contraband articles were recovered from their vehicle, compliance of Section 50 of the Act, is not necessary. However, the fact remains that in addition to the contraband article, the police have recovered mobile phone and cash from accused nos.1 & 2, which is from their person. Therefore, compliance of Section 50 of the Act becomes



mandatory having regard to the law laid down by the Hon'ble Supreme Court in the case of **VIJAYSINH CHANDUBHA JADEJA VS STATE OF GUJARAT - (2011)1 SCC 609**. Non-compliance of mandatory requirement of Section 50 of the Act vitiates the recovery as well as the trial of the case. Under the circumstances, I am of the opinion that the prayer made by the petitioner who has no criminal antecedents, for grant of regular bail is required to be answered affirmatively. Accordingly, the following order:

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.39/2026 registered by Mangalore Rural Police Station, Mangaluru City, for the offences punishable under Sections 8(c), 22(C), 29 of NDPS Act, 1985, subject to the following conditions:

a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates 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 off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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