



CNR: KAHC010423582026

NC: 2026:KHC:38846
CRL.P No. 9060 of 2026
C/W CRL.P No. 9211 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9060 OF 2026

C/W

CRIMINAL PETITION NO. 9211 OF 2026

IN CRL.P No. 9060/2026:

BETWEEN:

MINAL A
S/O LATE N NINGARAJU
AGED ABOUT 25 YEARS
R/AT NO. 4/22/CC
KALLU BAVI BEEDHI
KAVERI ROAD
KOLLEGALA TALUK
CHAMARAJANAGARA DISTRICT.

...PETITIONER

(BY SRI MAHAMMAD ANWAR, ADV.)

AND:

STATE OF KARNATAKA
BY METAGAHALLI POLICE STATION
MYSURU, REP. BY SPP
HIGH COURT BUILDING
BANGALORE - 560 001.

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO RELEASE PETITIONER ON REGULAR BAIL IN CRIME
NO.53/2026 OF MATEGAHALLI POLICE STATION, MYSURU FOR THE
OFFENCE UNDER SECTIONS 22(C) AND 29 OF THE NDPS ACT, 1985,
PENDING ON FILE OF VII ADDITIONAL DISTRICT AND SESSIONS
JUDGE, MYSORE.



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IN CRL.P NO. 9211/2026:

BETWEEN:

SMT. PREETHI M
W/O ABHISHEK
AGED ABOUT 20 YEARS
R/AT EWS NO.268 3RD CROSS
OPP TO BUS STOP SHARADEVI NAGARA
MYSURU - 570 001, PRESENTLY RESIDING
AT C/O BHAGYAMMA
OPP: CHANDRAMOULESHWARA
TEMPLE, SIDDALINGAPURA VILLAGE
MYSURU - 570 001.

...PETITIONER

(BY SRI MANOJ S.N, ADV.)

AND:

STATE OF KARNATAKA
BY METAGALLI P.S
REPRESENTED BY THE SPP
OFFICE OF THE ADVOCATE GENERAL
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI.RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO PASS AN ORDER GRANTING BAIL THEREBY
DIRECTING THE RESPONDENT POLICE TO RELEASE THE
PETITIONER/ACCUSED NO.2 IN CRIME NO.53/2026 FOR THE
ALLEGED OFFENCES P/U/S 22(c) AND 29 OF NDPS ACT,
REGISTERED BY THE RESPONDENT POLICE PENDING ON THE
FILE OF LEARNED VII ADDITIONAL DISTRICT AND SESSIONS
JUDGE MYSURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY



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ORAL ORDER

1. Accused Nos.2 and 6 in Crime No.53/2026 registered by Metagalli Police Station, Mysuru, for the offences punishable under Sections 22(C) and 29 of the NDPS Act, 1985, 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.53/2026 was registered by Metagalli Police Station, Mysuru, for the aforesaid offences against Latha and others based on the first information dated 24.05.2026 received from Shabbeer Hussain, police officer attached to Metagalli Police Station. In the said case, accused No.2 was arrested on 24.05.2026 and accused No.6 was arrested on 26.05.2026. Their bail application filed before the Trial Court in Crime No.53/2026 was rejected. Therefore, they are before this Court in these two petitions.
4. Perusal of the material on record would go to show that FIR in the present case was initially registered against four persons. Accused No.2 named in the FIR was arrested on



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24.05.2026 and based on the confession statement of arrested accused, subsequently accused No.6 was arrested on 26.05.2026. Perusal of the recovery mahazar dated 24.05.2026 prepared between 05.30 p.m. to 09.30 p.m. would go to show that seizure of contraband article allegedly MDMA totally weighing 12.80 grams is from the possession of accused Nos.1 to 4. There is no seizure of any contraband article in the present case from the possession of accused No.6.

5. A reading of the seizure mahazar would go to show that gazetted officer for the purpose of Section 50 of the NDPS Act in the present case, had accompanied the raiding squad and therefore, he cannot be considered as an independent gazetted officer for the purpose of Section 50 of the NDPS Act. The law in this regard has been laid down by the Hon'ble Supreme Court in the case of ***State of Rajasthan vs. Parmanand and Another - (2014) 5 SCC 345.***

6. It is not in dispute that petitioners do not have any criminal antecedents. In the case of ***Vijaysinh Chandubha Jadeja vs. State of Gujarat - (2011) 1 SCC 609,*** the



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Hon'ble Supreme Court has held that conviction of an accused in a case where the seizure mahazar is found to be illegal, gets vitiated. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following order:-

7. The petitions are allowed. The petitioners are directed to be enlarged on bail in Crime No.53/2026 registered by Metagalli Police Station, Mysuru, for the offences punishable under Sections 22(C) and 29 of the NDPS Act, 1985, 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;



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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

DN
List No.: 1 Sl No.: 105