



CNR: KAHC010451682026

NC: 2026:KHC:49062
CRL.P No. 9611 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9611 OF 2026

BETWEEN:

1. PATRICK
S/O SUBICIO
AGED ABOUT 44 YEARS
PERMANENT RESIDENT OF LEGO CITY
NIGERIA, PRESENT R/O. NO.73
SRI SAI CITY LAYOUT, HALAHALLI
KITTAGANUR, BANGALORE CITY - 560049.
2. PRAMESE @ CHUKAUBUKAU
S/O EJEJ
AGED ABOUT 42 YEARS
PERMANENT RESIDENT OF ABA CITY
NIGERIA, PRESENT R/O. NO.73
SRI SAI CITY LAYOUT, HALAHALLI
KITTAGANUR, BANGALORE CITY - 560 049.

...PETITIONERS

(BY SRI CHAKRAVARTHY T.S, ADV.)

AND:

1. STATE OF KARNATAKA
BY CEN POLICE STATION
DAVANAGERE REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE -560001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO ALLOW THE PETITION AND ENLARGE THE PETITIONER
NO.1 AND 2 / ACCUSED NO.1 AND 2 ON BAIL IN CR.NO.107/2025 IN
CEN POLICE STATION, DAVANAGERE AND NOW SPL.C.NO.491/2025
ON THE FILE OF THE HONBLE PRL. DISTRICT AND SESSIONS JUDGE,

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010451682026

NC: 2026:KHC:49062
CRL.P No. 9611 of 2026

AT DAVANAGERE FOR THE OFFENCES P/U/S 8(c), 21(b), 22(b) AND 29 OF THE NDPS ACT AND SEC. 3, 21 AND 22 OF THE FOREIGNERS 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 nos.1 and 2 in Spl.C.No.491 of 2025 pending before the Court of Principal District & Sessions Judge, Davanagere arising out of Crime No.107 of 2025 registered by Davanagere CEN Crime Police Station for the offences punishable under Sections 8(c), 22(b), 21(b) & 29 of the NDPS Act, 1985 and Sections 3, 21 & 22 of Immigration & Foreigners Act, 2025 are 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.107 of 2025 was registered by Davanagere CEN Crime Police Station initially for the offences punishable under Sections 8(c), 21(b) & 29 of the NDPS Act, against petitioners herein and others, based on the first



NC: 2026:KHC:49062
CRL.P No. 9611 of 2026

CNR: KAHC010451682026

information dated 25.07.2025 received from Sri Vasanth H C, police officer attached to Davanagere CEN Crime Police Station. In the said case, petitioners were arrested on 25.07.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against 5 persons and petitioners are arrayed as accused nos.1 and 2 in the charge sheet. They had earlier approached this Court at crime stage in Criminal Petition No.16204 of 2025 which was dismissed. Thereafter, they filed a fresh bail application before the Trial Court in Special Case No.491 of 2025 which was rejected on 23.04.2026. It is under these circumstances, they are before this Court in this successive bail application.

4. Perusal of the material on record would go to show that based on credible information received on 24.07.2025 at about 07.00 p.m. to the effect that some persons travelling in car bearing registration No.KA-21-MA-0602 are in possession of contraband articles after complying the requirements of Section 42 of the NDPS Act, the aforesaid car was intercepted and four persons who were the inmates of the car were apprehended. Contraband article allegedly 'MDMA' weighing 13 grams was



CNR: KAHC010451682026

recovered and seized from the aforesaid car at the instance of apprehended accused. Subsequently, apprehended accused were arrested and remanded to judicial custody. In charge sheet that is now filed, they are arrayed as accused nos.1 to 4.

5. According to the prosecution, accused nos.1 to 4 had arrived in the aforesaid car carrying contraband articles allegedly 'MDMA' weighing 13 grams for delivering the same to accused no.5. During the course of investigation in the present case, in addition to the aforesaid contraband articles, 5.61 grams of contraband article allegedly 'MDMA' was recovered and seized from the house of accused nos.1 and 2 subsequently. The FSL report of the contraband article, initially recovered weighing 13 grams shows that sample of the said contraband article has tested positive to a drug known as 'Methamphetamine' . The charge sheet material would go to show that FSL report insofar as contraband article seized from the house of the accused nos.1 & 2 weighing 5.61 grams is yet to be received.



CNR: KAHC010451682026

6. At the instance of accused nos.3 and 4, contraband article recovered in the present case was 13 grams which is now found to be 'Methamphetamine'. 13 grams of Methamphetamine is considered as intermediate quantity and therefore, accused nos.3 and 4 have been granted bail by this Court in Criminal Petition No.4754 of 2026 & Criminal Petition No.877 of 2026. Insofar as accused no.5 is concerned there is no recovery of any contraband article from him and therefore, he was granted bail in Criminal Petition No.12257 of 2026.

7. Insofar as the petitioners are concerned they are Nigerian citizens. They did not have valid documents not only to stay in India but also to enter India. Petitioners, who are staying illegally in India allegedly have committed offences punishable under the provisions of NDPS Act. As rightly contented by learned HCGP, in the event the petitioners are enlarged on bail, it would be difficult to secure their presence. They do not have any permanent address in India.

8. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioners, at



NC: 2026:KHC:49062
CRL.P No. 9611 of 2026

CNR: KAHC010451682026

this stage is liable to be dismissed with liberty to the petitioners to file a fresh application before the Trial Court, in the event trial is not commenced in the present case within a reasonable time.

9. Accordingly, criminal petition is dismissed with liberty as aforesaid.

10. It is needless to state that the trial Court as well as the prosecution shall make endeavours to commence trial at the earliest and dispose of the main case expeditiously.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 1 Sl No.: 44