



CNR: KAHC010513682026

NC: 2026:KHC:48727
CRL.P No. 11198 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 11198 OF 2026

BETWEEN:

1. MOHAMMED ASHIQUE
S/O M.P. ADBUL
AGED ABOUT 24 YEARS
R/AT CHENDAMOULA HOUSE PARAPA
DHELAMBADI, PARAPA POST
KASARGOD, KERALA.
2. SUBAIR
S/O IBRAHIM
AGED ABOUT 30 YEARS
R/AT: PARAPA
DHELAMBADI, PARAPA POST
KASARGOD, KERALA.

...PETITIONERS

(BY SRI AKASH RAJU, ADV.)

AND:

THE STATE OF KARNATAKA
BY MOODABIDRI POLICE STATION
D K DISTRICT, REP. BY SPP
HIGH COURT BUILDING
BANGALORE - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO RELEASE THEM ON BAIL IN SPL.C.NO.13/2026 (CRIME
NO.123/2025) OF MOODABIDRI POLICE STATION, FOR THE OFENCE
P/U/S 8(c) AND 20(b)(ii)(C) OF NDPS ACT, PENDING ON THE FILE OF
PRINCIPAL DISTRICT AND SESSIONS JUDGE, D.K.MANGALURU.

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

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





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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused Nos.2 and 3 in Special Case No.13/2026 pending before the Court of Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.123/2025 registered by Moodabidre Police Station, Mangaluru, for the offences punishable under Sections 8(c) and 20(b)(ii)C of the NDPS Act, 1985, 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.123/2025 was registered by Moodabidre Police Station, Mangaluru, for the aforesaid offences against mashhood M K, and three others based on the first information dated 01.08.2025 received from Sharanappa Bhandari, police officer attached to CCB Police, Mangaluru. In the said FIR, petitioners were arraigned as accused Nos.2 and 3. Accused Nos.1 to 3 were all arrested on 01.08.2025 and remanded to judicial custody. After investigation, charge sheet is filed



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against three persons and petitioners herein are arraigned as accused Nos.2 and 3 in the charge sheet. Their bail application filed before the Trial Court in Special Case No.13/2026 was rejected on 27.06.2026. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that accused No.1 has been granted regular bail by the Co-ordinate Bench of this Court in CrI.P.No.3584/2026 vide order dated 09.04.2026. Petitioners do not have any other criminal antecedents. Accordingly, he prays to allow the petition on ground of parity.

5. Per contra, learned HCGP does not dispute the submission made by learned counsel for the petitioners.

6. Material on record would go to show that based on credible information received, car bearing Reg.No.KA21/P9084 and KL14/AF7010 were intercepted and accused Nos.1 to 3, who were the inmates of the aforesaid cars were apprehended and from their possession, contraband article allegedly ganja totally weighing 123 kgs 325 grams was recovered. Material on record would go to show that accused Nos.1 to 3 allegedly had purchased aforesaid contraband article from accused No.4



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Manik from Badrachala in Andhra Pradesh State. During the course of investigation, at the instance of accused Nos.2 and 3 from the car in which they were traveling, contraband article ganja totally weighing 41 kgs 50 grams was recovered and from the car bearing Reg.No.KL14/AF7010 in which accused No.1 was found, contraband article allegedly ganja weighing 82 kgs and 275 grams was recovered.

7. Accused No.1 from whose possession contraband article allegedly ganja weighing 82 kgs 275 grams was recovered and seized under seizure panchanama has been granted regular bail by the Co-ordinate Bench of this Court in Crl.P.No.3584/2026 vide order dated 09.04.2026. After accused No.1 was granted regular bail in the aforesaid criminal petition, petitioners herein, who are arraigned as accused Nos.2 and 3 in the very same case have approached this Court and they have filed this petition on 24.07.2026. Thereafter, matter is listed before this Court on five dates. It is not in dispute that the order granting regular bail to accused No.1 in Crl.P.No.3584/2026 has not been questioned by the State till date.



8. Learned HCGP during the course of arguments has made a submission that only the operative portion of the order passed in Crl.P.No.3584/2026 is released and reasoned order is not yet released. The same cannot be a reason for denying bail to the petitioner from whom contraband article is seized totally weighting 41 kgs 50 grams whereas, from the possession of accused No.1, who has now been granted bail, contraband article recovered totally weighed 82 kgs 275 grams. Since accused Nos.2 and 3 are seeking bail on the ground of parity, their bail cannot be indefinitely postponed more so when admittedly, they do not have any other criminal antecedents. Under the circumstances, I am of the opinion that their prayer for grant of regular bail needs to be answered affirmatively on the ground of parity. Accordingly, the following order:-

9. The petition is allowed. The petitioners are directed to be enlarged on bail in Special Case No.13/2026 pending before the Court of Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.123/2025 registered by Moodabidre Police Station, Mangaluru, for the



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offences punishable under Sections 8(c) and 20(b)(ii)C 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;
- 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.: 39