



CNR: KAHC010525522026

NC: 2026:KHC:48961
CRL.P No. 11521 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11521 OF 2026

BETWEEN:

1. RAMABABU KINCHE,
S/O JOGIRAJ KINCHE,
AGED ABOUT 24 YEARS,
R/AT SUNABEDA VILLAGE,
SAMBAL PANCHYATHI,
KORAPUT DISTRICT, KORAPUT,
ORISSA-764 039.
2. SINGANA HANTAL,
S/O RATJAM HANTAL,
AGED ABOUT 33 YEARS,
R/AT, SUNABEDA VILLAGE,
SAMBAL PANCHYATHI,
KORAPUT DISTRICT, KORAPUT,
ORISSA-764 039.

...PETITIONERS

(BY SRI. M. R. C MANOHAR, ADVOCATE)

AND:

STATE BY BAGEPALLI P.S,
CHIKKABALLAPURA DISTRICT,
REP. BY SPP, HIGH COURT COMPLEX,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. RAUL RAI.K, HCGP)

Digitally
signed by
CHETAN B C
Location:
High Court
of Karnataka



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THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) TO GRANT AN ORDER OF REGULAR BAIL AND RELEASE THEM ON BAIL IN SPL.C.NO.87/2026 (CR.NO.55/2026) REGISTERED BY THE BAGEPALLI P.S., CHIKKABALLAPURA DIST., REGISTERED FOR THE OFFENCES P/U/S 20(b)(ii)(B) & S.8(c) OF NDPS ACT, PENDING BEFORE THE HON'BLE PRL. DIST. AND SESSIONS JUDGE, CHIKKABALLAPURA.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.1 and 2 in Special Case No.87/2026, pending before the Court of Principal District and Sessions Judge, Chikkaballapura, arising out of Crime No.55/2026 registered by Bagepalli Police Station, Chikkaballapura, for offences punishable under Sections 20(b)(ii)(B) and 8(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985, are before this Court in the petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.



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3. FIR in crime No.55/2026 was registered by Bagepalli Police Station, Chikkaballapura, for the offences punishable under Sections 20(b)(ii)(B) and 8(c) of the NDPS, Act, against the petitioners herein, based on the first information dated 25.02.2026 received from Mr.Sunil Kumar, police officer attached to Bagepalli Police Station, Chikkaballapura.

4. In the said case, petitioners were arrested on 25.02.2026 and subsequently remanded to judicial custody. The bail application filed before the Trial Court in Special Case No.87/2026 was rejected on 29.04.2026. Therefore, they are before this Court.

5. FIR in the present case has been registered against the petitioners for the aforesaid offences at 19.00 hours by Bagepalli Police Station, Chikkaballapura, based on the first information received from the police officer attached to the said police station.



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6. In the first information, it is averred that on 25.02.2026 at about 06.00 p.m., when the first informant and his staff were on patrolling duty near toll plaza on National Highway No.44, they found two persons moving suspiciously and on enquiry, the said persons revealed their names as Ramababu Kinche and Singana Hantal. In the bag which the said persons were carrying, contraband article weighing about 21 kgs was found and it is under the circumstances, FIR was registered against accused Nos.1 and 2 in the present case. Investigation of the case is now completed and charge sheet is filed.

7. In the records of reason prepared by the Investigation Officer in compliance of requirement of Section 41 of the NDPS Act, he has stated that on 25.02.2026, at about 04.00 p.m., when he and the staff were on duty near toll plaza, he had found two persons suspiciously moving near toll plaza. Though FIR was registered in the present case at about 19.00 hours after apprehending the accused persons, the material on record would go to show that the recovery mahazar was



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prepared between 07.45 p.m. to 09.00 p.m. on 25.02.2026 which is after registration of the FIR. In compliance of the requirement of Section 50 of the Act, the Gazetted Officer has issued joint notice in Kannada. It is not in dispute that accused Nos.1 and 2 hail from Orissa State. Accused No.1 has signed the said notice in English and accused No.2 has affixed his left thumb impression. Separate notices under Section 50 has not been issued to the accused in the present case. From the aforesaid, it is apparent that requirement of Section 50 of the Act is also not complied in the present case.

8. In view of the aforesaid, the rigor under Section 37(1)(b) of the Act cannot be made strictly applicable in the case on hand against the petitioners. Investigation of the case is already completed. It is not in dispute that petitioners are not having any other criminal antecedents. Under the circumstances, the following:

ORDER

- (i) Criminal Petition is ***allowed***.



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(ii) The petitioners are directed to be enlarged on bail in Spl.C.No.87/2026 pending before the Court of Principal District and Sessions Judge, Chikkaballapura, arising out of Crime No.55/2026 registered by Bagepalli Police Station, Chikkaballapura, registered for the offences punishable under Sections 20(b)(ii)(B) and 8(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985, subject to the following conditions:

- a) Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties (out of which one shall be local surety) 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;



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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**

CBC
List No.: 1 Sl No.: 38