



CNR: KAHC010525652026

NC: 2026:KHC:49127
CRL.P No. 11636 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 11636 OF 2026

BETWEEN:

SYED SADATH @ SADDU @ SADATH,
S/O. SYED SATAJ,
AGED 29 YEARS,
R/O. ZAGIRDAR MOHALLA, NALAGALLI,
KAMMAVARIPET, NEAR JAMIA MASIJJID,
HOSAKOTE TALUK,
BENGALURU DISTRICT - 562114.

...PETITIONER

(BY SRI HASMATH PASHA, SENIOR COUNSEL FOR
SRI NASIR ALI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY K.R.PURAM POLICE STATION,
BENGALURU CITY 560036
(REPRESENTED BY LEARNED STATE PUBLIC
PROSECUTOR, HIGH COURT OF KARNATAKA,
BENGALURU 560 001).
2. NARAYANA GOWDA,
POLICE INSPECTOR,
CCB POLICE (W AND D),
NT-PETE, BENGALURU - 560002.

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO a)
QUASH THE ENTIRE PROCEEDINGS PENDING IN

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RAMNATH HEGDE on 11-09-2026

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



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SPL.CC.NO.2205/2023 ON THE FILE OF HONBLE XXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE FOR NDPS CASES, BENGALURU, WHICH IS ARISING OUT OF CR.NO.398/2018, FOR THE OFFENCE P/U/S 20(b)(ii)(b) OF NDPS ACT IN FIR AND COMPLAINT ON THE FILE OF K.R.PURAM POLICE STATION, BENGALURU CITY, AS PER ANNEXURE-A AND D COPY OF MAHAZAR AS AN ABUSE OF PROCESS OF LAW AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Additional State Public Prosecutor for the respondent.

2. This petition is filed to quash the proceedings in Special C.C. No.2205/2023 pending before the Sessions Judge and Special Judge for NDPS Cases, Bengaluru.

3. The proceedings arising out of Crime No.398/2018 for the offences alleged under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Learned Senior Counsel Sri Hasmath Pasha appearing for the petitioner would submit that in addition to the

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prayer to quash the proceedings, the petitioner is also assailing the order dated 11.02.2020 issuing non bailable warrant.

5. It is submitted that the cognizance was taken on 07.02.2020 fixing the date of appearance as 11.02.2020. Later, the charge sheet was split and the case is now re-numbered as Spl. C.C. No.2205/2023.

6. In Special C.C. No.74/2020, summons were issued on 07.02.2020 fixing the date of appearance as 11.02.2020. Accused no.1 appeared in that matter and petitioner/accused no.2 did not appear and the non-bailable warrant was issued.

7. Learned Senior Counsel would submit that there is no report stating that the accused no.2/petitioner has evaded the summons. There is no report stating that the summons is served on him and the non-bailable warrant could not have been issued.

8. It is his further submission that accused no.2 was on anticipatory bail when the cognizance was taken and same is in force.



9. In addition it is also further submitted that no ground is made out in the charge sheet to prosecute the petitioner.

10. Learned Additional State Public Prosecutor would submit that the petitioner/accused no.2 did not appear before the Trial Court on the given date appointed as such, the Court has taken note of his absence and issued non-bailable warrant and the same is challenged.

11. In addition, learned Additional SPP would also submit materials in the charge sheet warrant trial as such, the petition to quash the proceedings cannot be entertained.

12. The Court has considered the contentions raised and perused the records.

13. As can be seen from the order sheet, on 07.02.2020, the Trial Court issued summons to the petitioner/accused no.2 in addition to accused no.1.

14. It appears that on 11.02.2020 the day fixed for appearance accused No.1 appeared. However, accused No.2 did



not appear and non-bailable warrant was issued against the accused no.2.

15. The order does not indicate that the accused No.2 was evading summons or that the summons is duly served.

16. That being the position, the Court is of the view that the non bailable warrant could not have been issued against the petitioner/accused no.2.

17. The present petition is filed on the apprehension that in case the petitioner files an application to recall the non bailable warrant, the Court may reject the application or the Court may take the petitioner to custody.

18. Considering the fact that there is no report to show that the summons was served and to show that the petitioner was evading the summons, the Court is of the view that the petitioner should be permitted to appear before the Trial Court and furnish bail which is already granted.

19. The Court has also taken note of the fact that the petitioner was granted anticipatory bail and the charge sheet is



already filed and there is no need to take the petitioner into custody at this stage.

20. As far as the contention that there is no ground to frame the charges and proceed further, the Court is of the view that the petitioner can avail such remedy as advised in law, in case of no grounds to frame charges.

21. If such remedy is availed, the same shall be considered in accordance with law. The Court has not entered into the merits of the contentions relating to charges. Hence, the following:

ORDER

- (i) Petition is ***allowed in part.***
- (ii) Order dated on 11.02.2020 issuing non bailable warrant is recalled.
- (iii) The petitioner shall appear before the Trial Court within two weeks from today, and in case the petitioner furnishes the bail in terms of the order granting anticipatory bail the petitioner shall be released on bail.



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All other contentions are kept open.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 61