



CNR: KAHC010542632026

NC: 2026:KHC:52537
CRL.P No. 12011 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12011 OF 2026

BETWEEN:

1. AHAMMAD ALI ARSHAN,
AGED ABOUT 22 YEARS,
S/O K. MOHAMMED HANEEF,
R/AT H.NO. 7-107,
SHEKABBA BEARY COMPOUND,
NEAR SYNDICATE BANK, KOTESHWAR
UDUPI - 576 222.
PRESENTLY R/AT FLAT NO.401,
VISHWAS KALANDAN APARTMENT,
HOODSA SHEDDE ROAD,
PANDESHWAR, MANGALURU.
2. FELIX P. JOSEPH,
AGED ABOUT 20 YEARS,
S/O JOSEPH CM,
R/AT PALANTHIKAL HOUSE,
KURUVILLANGAD CITY,
KOTTAYAM DISTRICT,
KERALA STATE - 686 633.

...PETITIONERS

(BY SRI. ABDUL ANSAR P, ADVOCATE FOR P1;
SRI. VIVEK N, ADVOCATE FOR P2)

AND:

1. STATE OF KARNATAKA
BY BELTHANGADY POLICE STATION,



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REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN SPL.C.NO.171/2026 OF MANGALURU SOUTH POLICE STATION, REGISTERED FOR THE OFFENCES P/U/S 8(c), 20(b)(ii)(A), 22(c), 29 OF NDPS ACT, 1985, NOW PENDING ON THE FILE OF THE HONBLE PRL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU.

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.3 and 4 in Special Case No.171/2026 pending before the Court of the Principal District and Sessions Judge, Dakshina Kannada, Mangaluru arising out of Crime No.56/2026 registered by Mangaluru South Police Station, Mangaluru City, Dakshina Kannada District, for the



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offences punishable under Sections 8(c), 20(b)(ii)A, 29 and 22(C) of 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.56/2026 was registered by Mangaluru South Police Station, Mangaluru City, Dakshina Kannada District, for the aforesaid offences against four unknown persons, based on the first information dated 04.03.2026 received from Sri Devendrappa Akalada, Police Officer attached to Mangaluru South Police Station, Mangaluru City, Dakshina Kannada District.

4. During the course of investigation of the said case, the petitioners herein were apprehended along with accused Nos.1 and 2 from room No.103 in Classic Comfort Lodge within the jurisdiction of Mangaluru South Police Station. Subsequently, they were arrested and remanded to judicial custody. After completing investigation, charge



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sheet is filed against them for the aforesaid offences. Bail application filed by the petitioners herein before the Trial Court in Special Case No.171/2026 was rejected on 27.07.2026. Therefore, they are before this Court.

5. Learned counsel for the petitioners, reiterating the grounds urged in the petition submits that accused No.3 is the younger brother of accused No.1 and accused No.4 is the friend of accused No.3. Accused Nos.3 and 4 are pursuing their education in a college at Mangaluru and had gone to meet accused No.1, who was staying in the aforesaid lodge. There is no seizure of any contraband article from the possession of the petitioners. They do not have any criminal antecedents. Accordingly, he prays to allow the petition.

6. *Per contra*, learned HCGP, who has opposed the petition does not dispute the submission made by the learned counsel for the petitioners. He, however, submits that the seized contraband article is of commercial



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quantity and therefore, the rigour under Section 37(1)(b) of the NDPS Act gets attracted against them. Accordingly, he prays to dismiss the petition.

7. FIR in the present case was registered against four unknown persons based on the credible information received by the first informant to the effect that four persons, who had arrived in a car bearing registration No.KA-19-MR-9888, staying in Classic Comfort Lodge near Badriya Junction, Mangaluru, were in possession of commercial quantity of contraband articles, which they intended to sell to the public.

8. In the raid that was conducted at the aforesaid lodge after registration of the FIR, accused Nos.1 to 4 were apprehended from room No.103 in the aforesaid lodge. Contraband article allegedly MDMA weighing 53.88 grams and contraband article allegedly Hydroponic ganja weighing 103.20 grams were recovered and seized under a Panchanama.



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9. A reading of the seizure Panchanama as well as the chargesheet filed in the present case would reveal that the seizure of the contraband article allegedly MDMA from the table drawer inside the room was at the instance of accused No.1. The seizure of the contraband article allegedly hydroponic ganja from the cupboard in room No.103 was at the instance of accused No.2. From the possession of the petitioners, only their mobile phones have been recovered in the present case and no contraband article was recovered.

10. It is not in dispute that the petitioners do not have criminal antecedents. Accused No.3 is said to be the younger brother of accused No.1 and accused No.4 is said to be the friend of accused No.3. According to the learned counsel for the petitioners, accused Nos.3 and 4, who are pursuing their education at Srinivas College, Mangaluru had gone to visit accused No.1, who was staying in Classic Comfort Lodge. Investigation of the case is now completed and chargesheet is filed. The petitioners, aged 22 years



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and 20 years respectively, said to be students, are in custody for the last six months. Under the circumstances, the following:

ORDER

i) The Criminal Petition is ***allowed***.

ii) The petitioners are directed to be enlarged on bail in Special Case No.171/2026 pending before the Court of the Principal District and Sessions Judge, Dakshina Kannada, Mangaluru arising out of Crime No.56/2026 registered by Mangaluru South Police Station, Mangaluru City, Dakshina Kannada District for the offences punishable under Sections 8(c), 20(b)(ii)A, 22(C) and 29 of NDPS Act, 1985, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;



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- 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 him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 47