



CNR: KAHC010543262026

NC: 2026:KHC:49412
CRL.P No. 11982 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.11982 OF 2026

(482(Cr.PC)/528(BNSS))

BETWEEN:

NIYAZ. J.,
S/O. ABUSALI,
AGED ABOUT 25 YEARS,
R/AT. JOGI BETTU,
ILANTHILA, BELTHANGADY,
ILANTHILA, DAKSHINA KANNADA,
KARNATAKA - 574 241.

...PETITIONER

(BY SRI. ABDUL ANSAR P., ADVOCATE)

AND:

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

...RESPONDENT

(BY SRI. M.V. ANOOP KUMAR, ADDL. SPP)

THIS CRL.P FILED UNDER SECTION 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH ENTIRE PROCEEDINGS IN CC NO.404/2024 ARISING OUT OF CRIME NO.19/2022-23 REGISTERED BY MANGALURU EXCISE P.S (SUB DIVISION) SOUTH - 2 FOR THE OFFENCES U/S 8(c), 20(b)(ii)(A), 25 AND 27(b) OF THE NDPS ACT 1985 PENDING IN THE FILE OF THE JMFC-VI COURT, MANGALURU D.K. AND ETC.

Digitally Signed by ANANT
RAMNATH HEGDE





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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the
petitioner and learned Additional SPP for the respondent.

2. Learned counsel for the petitioner would submit
that, the issue raised in the present petition is covered in
terms of the judgment of the Hon'ble Apex Court in the
case of ***BHOLA SINGH Vs. STATE OF PUNJAB***¹;
HARBAJAN SINGH Vs. STATE OF HARYANA² and also
the Co-ordinate Bench of this Court in the case of
MR.R.GOPAL REDDY Vs MR. MOHAMMED MUKARAM³.

3. Learned counsel appearing for the petitioner
would also submit that, the petitioner is the owner of the
vehicle. Alleged contraband and alleged banned substance

¹ (2011) 11 SCC 653

² 2023 SCC OnLine SC 490

³ WP.No.13943/2024 dated 31.08.2024



under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, is allegedly recovered from the vehicle of the petitioner.

4. It is the further submission that, admittedly the petitioner was not in the vehicle. It is the contention that the prosecution has alleged that the petitioner's co-brother was found in the vehicle of the petitioner along with the alleged substance. The witnesses cited in the charge sheet have not stated anything that the petitioner having the knowledge that those banned substances were in the vehicle, with the consent and the knowledge of the petitioner. Thus, would contend that, even if the entire materials in the charge sheet are accepted to be true, no case is made out to frame a charge.

5. Learned Additional SPP would submit that, the Hon'ble Apex Court in the case of **BHOLA SINGH** *supra*; **HARBAJAN SINGH** *supra* and also the Co-ordinate Bench of this Court in the case of **MR.R. GOPAL REDDY** *supra*,



have held that, if the knowledge of the contraband is not attributed to the person in whose vehicle the contrabands are recovered, then said person cannot be prosecuted.

6. The Court is of the view that there are no materials in the charge sheet which would indicate that the petitioner had the knowledge that the contrabands are being carried in his vehicle. Merely because the petitioner happened to be the owner of the vehicle and merely because one of the accused was found in the vehicle and happens to be the relative of the petitioner, it is not possible to infer that the petitioner had the knowledge.

7. Since there are no such materials placed in the charge sheet to say that the petitioner had the knowledge about the contraband being carried, the Court is of the view that the proceedings are to be quashed.

Accordingly, the petition is **allowed** and the impugned proceedings in CC.No.404/2024 on the file of JMFC-VI, Mangaluru is quashed.



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It is made clear that, observations made in this order are only on the merits of the case against the petitioner.

No opinion is expressed on the merits of the case against the other accused.

Digitally Signed by ANANT
RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

PK
List No.: 1 Sl No.: 10