



CNR: KAHC010555382026

NC: 2026:KHC:52085
CRL.P No. 12179 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12179 OF 2026

BETWEEN:

1. SANJITH BAG
S/O ANTHOSH BAG
AGED ABOUT 35 YEARS,
BARGHAV VILLAGE AND POST,
AMBABONA, BARGHAR DISTRICT,
ORISSA STATE - 768 038.
2. MITHUN KUMBAR
S/O GOBARDHAN KUMBAR,
AGED ABOUT 25 YEARS,
RESIDNG AT NO.18,
LUMBURJENA VILLAGE,
GUNDULIYA POST, BHOWD DISTRICT,
ODISSA STATE - 762 105.

...PETITIONERS

(BY SRI. KRISHNE GOWDA M, ADVOCATE)

AND:

STATE OF KARNATAKA
STATE BY VIVEKNAGAR P.S.
RPTD. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)



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THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO PASS AN ORDER OF BAIL ENLARGING THE PETITIONER IN CRIME NO.15/2026 OF VIVEKNAGAR NOW IN SPL.C NO.1863/2026 PENDING BEFORE XXXIV ADDL.CITY CIVIL AND SESSIONS JUDGE, SPL.JUDGE (NDPS) AT BANGALORE (CCH-35) FOR THE OFFENCES P/U/S 8(C), 20(b)(ii) C OF NDPS ACT 1985.

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.1863 of 2026 pending before the Court of XXXIV Additional District and Sessions Judge, Special Judge (NDPS), Bengaluru (CCH-35), arising out of Crime No.15 of 2026 registered by Viveknagar Police Station, Bengaluru City for the offences punishable under Section 20(C), 8(c), 20(b)(ii) C of NDPS Act, 1985, are before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.



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2. Heard the learned counsel for the parties.

3. FIR in Crime Crime No.15 of 2026 was registered by Viveknagar Police Station, Bengaluru City for the aforesaid offences against the petitioner herein, based on the first information dated 12.01.2026 received from Veeresh R., Police Officer attached to Viveknagar Police Station, Bengaluru City. In the said case, the petitioners were arrested on 12.01.2026 and remanded to judicial custody. Their bail application filed before the Trial Court in Crl.Misc.No.7450 of 2026, was dismissed on 05.08.2026. Therefore, they are before this Court.

4. A reading of the first information dated 12.01.2026 received from the Police Officer attached to Viveknagar Police Station would reveal that, on 12.01.2026 at about 18.50 hours, while he was on patrol duty, he had received credible information that two persons were carrying contraband article in an auto rickshaw for the purpose of selling the same to the public.



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It is under these circumstances, first informant along with his staff had gone to the alleged spot, where accused persons were making attempts to sell the contraband articles to public and at about 19.30 hours, they had apprehended the petitioners herein, who were carrying the contraband articles in two bags. On verification, the apprehended accused allegedly informed the first informant that the two bags carried by them contained the contraband article allegedly ganja. The police thereafter, recovered 10 kg 670 grams of contraband article, ganja from the possession of accused No.1 and 10 kgs 540 grams of contraband article allegedly ganja from the possession of accused No.2. Subsequently, accused Nos.1 and 2 were arrested, produced before the Court and remanded to judicial custody.

5. A reading of the recovery mahazar would go to show that the seized contraband articles recovered from the possession of accused Nos.1 and 2, which were found in the bags were weighed along with the bags and the



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contraband articles were not weighed separately. Even during the course of complying the requirements of Section 52-A of the NDPS Act, the contraband articles which were packed in two bags were weighed along with the bags before the learned Magistrate and the contraband articles were not weighed separately.

6. The seized contraband articles from the possessions of accused Nos.1 and 2 along with the bags, totally weighing 21 kg 210 grams. Ganja weighing above 20 kilograms is considered to be commercial quantity under the relevant notification issued under the provisions of the NDPS Act. In the present case, the exact weight of the contraband articles that was seized from the possession of the accused persons cannot be determined, since the contraband articles have been weighed along with the bags in which they were packed.

7. Material on record would also go to show that the seized contraband article allegedly ganja included



leaves, stems, seeds and flowers of the plant. It is not in dispute that the petitioners are not involved in any criminal antecedents and they have been in custody for the last 9 months. Investigation of the case is completed.

8. In view of the aforesaid discrepancies found in the charge sheet, the rigour under Section 37(1)(b) of the NDPS Act, cannot be made applicable in the present case.

9. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

(i) The Criminal Petition is allowed.

(ii) The petitioners are directed to be enlarged on bail in Special Case No.1863 of 2026 pending before the Court of XXXIV Additional District and Sessions Judge, Special Judge (NDPS), Bengaluru (CCH-35), arising out of



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Crime No.15 of 2026 registered by Viveknagar Police Station, Bengaluru City for the offences punishable under Section 20(C), 8(c), 20(b)(ii) C of NDPS Act, 1985, subject to the following conditions:

- a) The petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each 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;
- e) The petitioners shall not leave the jurisdiction of the Trial Court without



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permission of the said Court until the case
registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 54