



CNR: KAHC010566562026

NC: 2026:KHC:49678
CRL.P No. 12381 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12381 OF 2026

BETWEEN:

ARBAZ PASHA A @ NAWAZ PASHA
S/O LATE ANSAR PASHA,
AGED ABOUT 22 YEARS,
R/AT GOSHAGALLI, WARD NO.22,
AZAD CHOWK, CHINTAMANI TOWN,
CHIKKABALLAPURA DISTRICT - 571 712.

...PETITIONER

(BY SRI. KARIAPPA N.A, ADVOCATE FOR
SRI. MOHAMMED MUBARAK, ADVOCATE)

AND:

STATE OF KARNTAKA BY
EXCISE POLICE STATION CHINTAMANI,
CHIKKABALLAPURA DISTRICT - 571 712.
(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001).

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS) OF
CR.P.C PRAYING TO ENLARGE HIM ON BAIL IN CRIME

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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NO.3/2026-27/03183OSIE/1446541 REGISTERED BY THE
EXCISE POLICE, CHINTAMNI, FOR THE OFFENCE P/US/ 21(b),
22, 25 AND 8(c) OF NDPS ACT 1985 WHICH IS PENDING ON
THE FILE OF THE HONBLE PRINCIPAL CIVIL JUDGE AND JMFC
CHINTAMANI.

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 No.1 in Crime No.3/2026-
27/03183OSIE/1446541 registered by Inspector of Excise
Police, Chintamani for the offences punishable under
Sections 21(b), 22, 25 and 8(c) of the NDPS Act, 1985, is
before this Court in this petition filed under Section 483 of
BNSS 2023, seeking regular bail.

2. Heard the learned counsel for the parties.



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3. Based on credible information received on 20.07.2026 at about 8.20 p.m., the petitioner was apprehended and from his possession, contraband article allegedly MDMA weighing 2.210 grams was recovered from the petitioner under a panchanama. Subsequently, FIR was registered against him for the aforesaid offences. He was arrested and remanded to judicial custody on 20.07.2026. His bail application filed before the trial Court in Crl.Misc.No.400/2026 was rejected on 06.08.2026. Therefore, he is before this Court.

4. Material on record would go to show that on 20.07.2026, based on credible information, the petitioner was apprehended by the Inspector of Excise, Chintamani and his staff, and from his possession contraband article allegedly MDMA weighing 2.210 grams and the mobile phone of the petitioner were seized from his person. Therefore, compliance of Section 50 of the NDPS Act becomes mandatory. The Deputy Superintendent of Excise, Chintamani is the Gazetted Officer who has



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searched the person of the accused in the present case, in compliance with requirements of Section 50 of the NDPS Act. The very same officer is found to be part of the raiding squad and after obtaining his permission, the Investigating Officer had proceeded to apprehend the accused. Therefore, the said officer cannot be considered as an independent Gazetted Officer for the purpose of Section 50 of the NDPS Act. Law in this regard has been laid down by the Hon'ble Supreme Court in the case of ***State of Rajasthan Vs. Parmanand and another*** reported in ***(2014) 5 SCC 345***. Even otherwise, the seized contraband article in the present case is of intermediate quantity. Therefore, the rigor under Section 37(1)(b) of the NDPS Act cannot be made strictly applicable as against the petitioner herein, who has no other criminal antecedents.

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



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ORDER

- i) The Criminal Petition is **allowed**.
- ii) The petitioner is directed to be enlarged on bail in Crime No.3/2026-27/03183OSIE/1446541 registered by Inspector of Excise Police, Chintamani for the offences punishable under Sections 21(b), 22, 25 and 8(c) of the NDPS Act, 1985, subject to the following conditions:
 - a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
 - b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
 - c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;



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d) The petitioner shall not involve in similar offences in future;

e) The petitioner 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.: 77