



CNR: KAHC010573592026

NC: 2026:KHC:51130
CRL.P No. 12789 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12789 OF 2026

BETWEEN:

VENKATESHA BOVI
S/O EERABOVI
AGED ABOUT 55 YEARS
R/AT KALLUSHETIHALLI VILLAGE
RAJANASHIRIYURU POST,
HALEBEEDU HOBLI,
BELUR TALUK - 573 201,
HASSAN DISTRICT.

...PETITIONER

(BY SRI. CHETHAN B, ADVOCATE)

AND:

THE STATE BY
BELUR POLICE STATION
BELUR - 573 201
HASSAN DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATKA
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 ENLARGE THE PETITIONER ON BAIL IN SPL.C NO.557/2025 (CRIME NO.211/2025) REGISTERED BY THE RESPONDENT BELUR POLICE STATOIN HASSAN FOR THE OFFENCES P/U/S 20(a), 20(b)(II)(B) OF THE NDPS ACT 1985 PENDING IN SPL.C NO.557/2025 ON THE FILE OF THE HONBLE PRL.DISTRICT AND SPECIAL JUDGE HASSAN.

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 in Special Case No.557/2025 pending before the Court of Principal District and Special Judge, Hassan arising out of Crime No.211/2025 registered by Belur Police Station, Hassan for the offences punishable under Sections 20(a) and 20(b)(II)(B) of NDPS Act, 1985, is 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 No.211/2025 was registered by Belur Police Station, Hassan for the aforesaid offences against the petitioner herein, based on the first information dated 18.09.2025 received from Revanna. In the said case, the petitioner was arrested on 18.09.2025 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court was rejected. Therefore, he is before this Court.

4. Perusal of the material on record would go to show that allegation against the petitioner is that he had grown six ganja plants in his agricultural property. Based on credible information received, a raid was conducted to the property of the petitioner and the aforesaid six ganja plants were recovered and seized under a panchanama. The said plants, along with roots and stems, totally weighed 14 kgs 484 grams. Investigation of the case is completed and charge sheet is filed. Before the Trial Court,



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CW-1 and CW-2 are now examined as PW-1 and PW-2.
Section 2(iii)(b) of the NDPS Act, 1985, defines the word
"ganja". The same reads as under:

"2(iii)(b) ganja, that is, the flowering of fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and"

5. The seized contraband article in the present case is wet ganja plants, including roots, stems, etc., Therefore, a doubt arises whether the contraband article seized in the present case can be considered as ganja within the meaning of Section 2(iii)(b) of the NDPS Act, 1985. The petitioner, who is an agriculturist has no other criminal antecedents. Under the circumstances, the following:

ORDER

- i) The Criminal Petition is ***allowed***.
- ii) The petitioner is directed to be enlarged on bail in Special Case No.557/2025 pending before the Court of



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Principal District and Special Judge, Hassan arising out of Crime No.211/2025 registered by Belur Police Station, Hassan for the offences punishable under Sections 20(a) and 20(b)(II)(B) of 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;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without



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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.: 67