



CNR: KAHC010578852026

NC: 2026:KHC:51715
CRL.P No. 12861 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12861 OF 2026

BETWEEN:

SHAHBAZ,
S/O NOORULLA,
AGED ABOUT 25 YEARS,
R/AT SULTANA MASEEDI,
CHINTAMANI TOWN,
BEHIND VENKATAGIRIKOTE,
CHIKKABALLAPUR DISTRICT - 563 125.

...PETITIONER

(BY SRI. BABAJAN S P., ADVOCATE)

AND:

STATE OF KARNATAKA,
REPRESENTED S.P.P.,
HIGH COURT BUILDING,
AMBEDKAR VEEDI,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.CHANNAPPA ERAPPA, HCGP)

THIS CRL.P. IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE ON BAIL IN CR.NO.256/2026 FOR OFFENCE U/S 8(c), 21, 22 OF NDPS ACT BY ALLOWING THIS BAIL APPLICATION.

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



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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Crime No.256 of 2026 registered by Chintamani Rural Police Station, Chickaballapura for the offences punishable under Section 8(c), 21, 22 of 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.

3. FIR in Crime No.256 of 2026 was registered by Chintamani Rural Police Station, Chickballapura for the aforesaid offences against the petitioner herein, based on the first information dated 23.07.2026 received from Shivaraj S., Police Officer attached to Chintamani Rural Police Station. In the said case, the petitioner was arrested on 23.07.2026 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.407 of 2026 was rejected on 11.08.2026. Therefore, he is before this Court.



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4. Perusal of the material on record would go to show that based on the credible information received, the petitioner was apprehended and from his possession contraband articles allegedly MDMA, totally weighing 7 grams was recovered under a panchanama. The seizure panchanama and the remand application of the petitioner would go to show that the contraband article was seized from his person. Therefore, compliance of Section 50 of the Act becomes mandatory. In the present case, the Gazetted Officer who had searched the person of the petitioner and recovered the contraband article was part of the raiding team. Therefore, he cannot be considered to be an independent Gezatted Officer for the purpose of Section 50 of the Act in view of the law laid down by the Hon'ble Supreme Court in the case of ***State of Rajasthan V. Parmanand and Another*** reported in ***(2014) 5 SCC 345***. Even otherwise, the seized contraband article has now tested positive for drug know as methamphetamine as per the report of Forensic Science Laboratory. Therefore,



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the seized contraband articles is of intermediate quantity and the rigour under Section 37(1)(b) of the Act cannot be made applicable in the present case. Petitioner 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:

ORDER

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in Crime No.256 of 2026 registered by Chintamani Rural Police Station, Chickaballapura for the offences punishable under Section 8(c), 21, 22 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



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

Sd/-
(S VISHWAJITH SHETTY)
JUDGE