



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 2<sup>ND</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE V SRISHANANDA**

**CRIMINAL PETITION NO.14414 OF 2025 (439(2)(Cr.PC)**  
**/ 483(3)(BNSS)**

**BETWEEN:**

STATE OF KARNATAKA  
BY CYBER, ECONOMIC AND  
NARCOTICS CRIME POLICE STATION,  
DAKSHINA KANNADA DISTRICT,  
MANGALURU,  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU -560 001.

...PETITIONER

(BY SRI CHANNAPPA ERAPPA, HIGH COURT GOVERNMENT  
PLEADER)

**AND:**

MOHAMMED ISHAN  
S/O ABDUL KHADAR,  
AGED ABOUT 34 YEARS,  
R/AT NO.5-5, DARGA ROAD,  
BASTIPADPU  
OPPOSITE POST OFFICE, ULLAL  
DAKSHINA KANNADA-575 020

...RESPONDENT

(BY SRI RENS PRE PRITHESH DSOUZA, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION  
439(2) CODE OF CRIMINAL PROCEDURE PRAYING TO CANCEL  
THE ORDER GRANTING BAIL TO RESPONDENT/ACCUSED VIDE  
ORDER DATED 12.03.2025 PASSED BY THE PRL.DISTRICT AND

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MALATESH  
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Location:  
HIGH  
COURT OF  
KARNATAKA



SESSIONS JUDGE, DAKSHINA KANNADA, MANGALURU IN  
CRL.MISC NO.13/2025.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

**ORAL ORDER**

Heard Sri Channappa Erappa, learned High Court  
Government Pleader appearing on behalf of the petitioner/State  
and Sri Renspre Prithesh D'Souza, learned counsel for the  
respondent.

2. State has filed the present petition under Section  
439 (2) of Code of Criminal Procedure with the following  
prayer:

*"Wherefore, the petitioner -State most  
respectfully prays that this Hon'ble Court may be  
pleased to:*

*(a) Cancel the order granting bail to  
respondent/accused vide order dated 12.03.2025  
passed by the Principal District and Sessions Judge,  
Dakshina Kannada, Mangaluru in Crl.Misc.No.13/2025;*

*(b) Direct that Accused No.5- Respondent be  
arrested and committed to custody".*



3. Petitioner being accused of the offence punishable under the provisions of Section 8(c), 22(c), 29(1) of Narcotic Drugs and Psychotropic substances Act (hereinafter referred to as 'NDPS Act') r/w Section 34 of Indian Penal Code in Special Case No.259/2024, arising out of Crime No.68/2024 of Cyber Economics and Narcotics Crime Police Station, Mangaluru, Dakshina Kannada, approached the learned Principal District and Session Judge, Mangaluru for grant of anticipatory bail.

4. Petition on contest came to be allowed by order dated 12.03.2025.

5. Petitioner has complied the conditions imposed by the learned Principal District and Sessions Judge in the order dated 12.03.2025 passed in Crl.Misc.No.13/2025 and the matter is now pending for trial.

6. The grievance of the State is that the petitioner was involved in other two cases where charge against him is under the provisions of NDPS Act and suppressing the said facts, he had obtained an order of grant of anticipatory bail. Therefore, the bail is to be cancelled.



7. Per contra, learned counsel for the respondent/accused No. 5 in Special Case No.259/2024 supports the order.

8. Learned Special Judge while allowing the application noted that Sub Inspector of Police, CCB with panchas proceeded to the place as per the credible information and conducted the raid and caught hold of persons by name Mohammed Amin Rafi, Muhammed Sinan Abdulla, Mohammad Nawman, Mohammad Sinan Abdulla, Mohammad Nawman, Mohammad Shafeel and seized 270 grams of brown colour MDMA crystal, four mobile handsets, digital scale, 90 empty small zip lock plastic covers and handed over them to the jurisdictional police who in turn registered the case and based on the information furnished by them, the present petitioner has been arraigned as additional accused No. 5.

9. The Trial Court also noted that confessional statement of the co-accused would not be a ground to arraign additional accused in the absence of any independent material collected by the Investigation Agency. Therefore, he extended the benefit of grant of anticipatory bail to the petitioner.



10. Since the bail conditions are complied and there is no complaint against the respondent subsequent to grant of anticipatory bail, the rare remedy of cancellation of the bail could not be warranted in the attendant facts and circumstance of the case.

11. Nothing prevented the prosecution to object for grant of bail by bringing into the notice of the Trial Court that the respondent is a habitual.

12. In the absence of such material placed on record, discretionary and special power exercised by the learned Principal District Judge needs no interference in the present case.

13. Accordingly, the following:

**ORDER**

Criminal Petition is dismissed.

**Sd/-  
(V SRISHANANDA)  
JUDGE**