



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 14763 OF 2025

BETWEEN:

MOHAMMAD ALI H
S/O. HAJARATH UMAR,
AGED ABOUT 36 YEARS,
R/AT: ARAMANEKERI,
SUBHASH NAGAR, SAGARA,
SHIVAMOGGA-577 401.

...PETITIONER

(BY SRI. SYED ARIF PASHA, ADVOCATE FOR
SRI. LETHIF B., ADVOCATE (P/H))

AND:

THE STATE OF KARNATAKA
BY SAGARA TOWN STATION,
SHIVAMOGGA DISTRICT.
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP (P/H))

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.1018/2025 ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., SAGARA, SHIVAMOGGA FOR THE OFFENCE PUNISHABLE UNDER SECTION 8(c), 22(A), 29, 30 OF NDPS ACT AND SECTION 201 OF IPC OF SAGARA TOWN POLICE STATION, SHIVAMOGGA DISTRICT WHICH IS PRODUCED AT ANNEXURE-A.



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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner, who has been arraigned as accused No.5 in the FIR and charge sheet has preferred this petition seeking to quash the proceedings initiated against him.

2. Heard the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the entire material on record.

3. A case in Crime No.49/2023 was registered at Sagar Town Police Station, Shivamogga against accused Nos.1 to 5 for the offence punishable under Section 8(c), 22(A), 27(a), 29 and 30 of the NDPS Act, 1985, on a suo motu complaint lodged by the Police inspector, Sagar Town Police Station.

4. As could be seen from the contents of the FIR, on 13.03.2023 at about 03.00 a.m., a credible information



was received over phone that a certain person travelling from Mangaluru to Sagar by bus, was intending to hand over drugs to the persons traveling in a Maruthi Suzuki Swift desire Car bearing Registration No.KA-15-N-1137. Recording the said information in the Station House Diary, the complainant proceeded to the spot along with panchas and a Gazetted Officer and apprehended accused Nos.1 to 3. From the said accused, mobile phones, prepaid sims, cash of Rs.200 and 1.06 grams of drugs, a bottle with a label 'Kings Heena 25 grams', sheet of tablets and the car bearing Registration No.KA-15-N-1137 were seized under a mahazar.

5. From the FIR contents, it is seen that the petitioner was neither present nor apprehended from the spot. He has been arraigned as accused No.5 in the FIR. In the complaint, it is alleged, when accused No.1 was interrogated, he confessed that he got acquainted with one Shashi Poojari - accused No.4 and while the said accused was in Shivamogga prison, he called him over



phone on 09.03.2023 and informed him to give the drug parcel to the associates of the petitioner herein, who was also lodged in the said prison.

6. Chargesheet is filed against accused Nos.1 to 7 for the offence punishable under Section 8(c), 22(A), 29 and 30 of the NDPS Act, 1985 and Section 201 of IPC. The specific allegations of possessing the drug in question, i.e., 1.06 of methamphetamine, as per the FSL report, is against accused Nos.1 to 3. It is alleged that the present petitioner and accused No.4 who were in prison have destroyed the mobile phone used for contacting accused No.1. Hence, by virtue of Section 201 of IPC, petitioner has been arraigned as accused No.5 in the chargesheet.

7. It is the case of prosecution that accused No.4, while in prison, contacted accused No.1 and told him to hand over the drugs to accused Nos.2 and 3 i.e., the associates of accused No.5. The said allegation is not only on the basis of the confessional statement of accused



No.4, but it is also relevant to see that the prosecution has not alleged that it was accused No.5 i.e., the petitioner herein who contacted accused No.1 and told him to hand over the drugs to his alleged associates namely accused Nos.2 and 3. Those allegations are entirely on the basis of the statement of the co-accused i.e., accused No.1, which is not a substantive evidence and cannot be relied upon to implicate the petitioner. Further, insofar as the allegation of destroying the mobile phone is concerned, there is absolutely no material placed on record by the prosecution.

8. Having perused the entire material on record, this Court is of the consider view that there is no material against the petitioner so as to proceed against him. The proceedings initiated against him is therefore, an abuse of process of the Court. Hence, the petition deserves to be allowed. Accordingly, the following:



ORDER

Petition is ***allowed***.

The entire proceeding as against the petitioner/accused No.5 in CC No.1018/2025 pending on the file of the Principal Civil Judge and JMFC, Sagara, Shivamogga is quashed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

HB
List No.: 1 Sl No.: 12