



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 15743 OF 2025

BETWEEN:

VENKATESHA BHOVI,
S/O EREBOVI,
AGED ABOUT 50 YEARS,
R/AT KALLUSHETTY HALLI VILLAGE,
RAJANASHIRIYURU POST,
HALEBEEDU HOBLI, BELURU TALUK,
HASSAN DISTRICT - 573115.

...PETITIONER

(BY SRI PRAKASHA K V, ADVOCATE)

AND:

STATE BY BELUR POLICE STATION,
HASSAN DISTRICT,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560001.

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONERS ON BAIL IN CR.NO.211/2025 REGISTERED BY BELUR POLICE, HASSAN DISTRICT, FOR THE OFFENCES P/U/S 20(A),20(B) OF THE NDPS ACT, 1985, PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND SPECIAL JUDGE, HASSAN.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

Digitally signed
by BELUR
RANGADHAMA
NANDINI
Location: HIGH
COURT OF
KARNATAKA



ORAL ORDER

This petition is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The FIR is registered in Crime No.211/2025 before Belur Police Station.

2. On 18.09.2025, pursuant to the complaint lodged for the offences punishable under Sections 20(a) and 20(b) of Narcotic Drugs and Psychotropic Substances, Act, 1985 (NDPS Act) the petitioner is arrested. Since then, the petitioner is in custody.

3. The application filed by the petitioner seeking bail before the Special Judge, Hassan is rejected on 06.10.2025. When the bail application was rejected on 06.10.2025, the charge sheet was not yet filed. Later, after the charge sheet is filed and one more bail application is filed before the Special Court and same is also rejected vide order dated 13.01.2026. Hence, the petitioner is before this Court.



4. Learned counsel for the petitioner referring to Section 2(iii)(b) of the NDPS Act, would submit that the materials seized do not attract Section 2(iii)(b) of the NDPS Act, to call it as ganja.

5. It is also his further submission that, the weight of the material seized was 14.484 kgs including roots, leaves and buds and excluding weight of roots, leaves and buds, that the prosecution is contending that the weight is around 8 kg. ganja. It is his submission that, in case the weight of the roots and leaves are excluded, the 14.484 kgs. materials seizer could not yield 4 kgs of ganja and on this ground he would urge that the prosecution has failed to make a case where it can contend that there are reasonable grounds to believe that the petitioner is guilty of the offence under the NDPS Act.

6. In addition, the learned counsel for the petitioner would also urge that, the petitioner is not the owner of the land and the property belongs to someone



else and he is unconcerned with the land and he has no other criminal antecedents. In case, the bail is granted, the petitioner is ready to abide by all the terms and conditions to be imposed by the Court, is the submission.

7. Learned High Court Government Pleader would oppose the application on the premise that, the ganja is seized from the custody of the petitioner and *prima facie* materials are placed on record to take a view that the petitioner is guilty of the offences alleged. The quantity measured falls under the intermediate category and the forensic lab report would also *prima facie* disclose the fact that the material seized from the petitioner is ganja, and the Sections 20(a), 20(b) of NDPS Act, is squarely attracted.

8. Learned High Court Government Pleader would also submit that, the petitioner has entered into an agreement with the owner of the land to cultivate the land and the said agreement is produced. That being the



position, no case is made out for releasing the petitioner on bail.

9. The Court has considered the contentions raised at the Bar and perused the records.

10. On considering the materials placed before the Court, it is seen that the prosecution has produced an agreement wherein, the petitioner is said to have agreed to cultivate the land in question. The materials on record including the photographs, would *prima-facie* indicate that the material is seized from the petitioner and the report of the forensic lab would also indicates that the material seized is ganja. The quantity that is said to have been now seized is around 8 kgs and is falling under the intermediate category. The said offence attract punishment upto 10 years.

11. Section 37 of the Act, 1985 reads as under:



"[37. Offences to be cognizable and non-bailable. --(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)-

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless--

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail."



12. The said provision enables the Court to grant bail to the petitioner/accused for the offence under the NDPS Act, if the Court is of the view that, there are reasonable grounds for believing that the applicant is not guilty of such offence and that he is not likely to commit any offence while in bail.

13. It is to be noticed that, the prosecution has produced the photographs, the agreement as well as the report submitted by the forensic lab. *Prima-facie* case is made out to hold that there are no reasonable grounds to believe that the petitioner is not guilty of the offence.

14. Under these circumstances, the Court is of the view that the petition has to be rejected and accordingly, the petition is ***dismissed***.

15. It is made clear that observations made in this order are only confined to the merit of the present petition and is not a reflection on the merit of the case pending before the Sessions Court.



16. The case before the Sessions Court will have to be decided on materials placed before it.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 2 Sl No.: 4