



CNR: KAHC010760572025

NC: 2026:KHC:47811
CRL.P No. 16021 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 16021 OF 2025

BETWEEN:

1. MUHAMMAD RAIZ
S/O. U.M. JABBAR,
AGED ABOUT 20 YEARS,
PERMANENT R/AT: HORIZON PLOT NO.502,
MUKKACHERI, ULLAL,
ULLAL TALUK, MANGALORE,
D.K. DISTRICT - 575020
PRESENTLY WORKING AT:
PARADISE LAKE TOWER
EMIRAT CITY AJMAN DUBAI,
DIAMOND SOFTE COLL COUNTRY DUBAI

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ULLAL POLICE STATION,
D.K. DISTRICT.
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE-560001.

...RESPONDENT

(BY SRI. B.N. JAGADEESHA, SPP-I A/W
SMT. DEEPTHI ALVA, HCGP)

Digitally
signed by
CHETAN B C

Location:
High Court
of Karnataka



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THIS CRL.P. IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN CC.NO.899/2022, ON THE FILE OF JMFC VII COURT, MANGALURU, FOR THE OFFENCES P/U/S 8(c), 20(b)(ii)(A) OF NDPS ACT OF ULLAL P.S., MANGALORE, D.K 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 M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before the Court calling in question the proceedings in C.C.No.728/2025 registered for the offences punishable under Sections 8(C) and 20(b)(ii)(A) of the Narcotic Drugs And Psychotropic Substances, Act, 1985 ('NDPS Act' for short).

2. Heard Sri. B. Lethif, learned counsel appearing for the petitioner, Sri. B.N. Jagadeesha, learned SPP-I along with learned HCGP, Smt. Deepthi Alva, appearing for respondent No.1 and have perused the material on record.

3. Facts adumbrated are as follows:

The petitioner is drawn as accused No.2. A crime comes to be registered in Crime No.166/2020 for an offence



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punishable under Section 20(b)(ii)(A) of the NDPS Act. The police file a charge sheet against the two other accused and show the petitioner as absconding, notwithstanding the petitioner being in the country at that point in time. The petitioner has later on travelled beyond the shores of this Nation. Pending proceeding is now haunting the petitioner. Therefore, the petitioner is before this Court in the subject petition.

4. Learned counsel appearing for the petitioner submits the issue in the *lis* and is completely stands answered by the judgment rendered by the Apex Court in the case of **FIRDOSKHAN KHURSHIDKHAN V. STATE OF GUJARAT AND ANOTHER¹**, wherein the Apex Court has held as follows:

"28. The prosecution witness Deepak Pareek(PW-2) claimed that Firdoskhan(A-2) was apprehended from Shah Jahan Pur Police Station, Madhya Pradesh. However, no document pertaining to the apprehension/detention of appellant Firdoskhan(A-2) at the Shah Jahan Pur Police Station was placed on record by the prosecution. Thus, the very manner in which the said accused was apprehended and brought to the NCB Office at Ahmedabad in the purported exercise of recording his statement under Section 67 of the NDPS Act is full of doubt and creates grave suspicion. Even otherwise, the confession of the accused recorded under Section 67 of the NDPS Act cannot be admitted in

¹ 2024 SCC OnLine SC 680



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evidence as a confession as had been held in the case of *Tofan Singh* (supra). Hence the confessional statement(Exhibit-42) does not lend any succour to the prosecution in its quest to prove the charges against the accused Firdoskhan(A-2).

29. The witness Vikram Ratnu(PW-3) identified Firdoskhan(A-2) as the person who had escaped from the spot, when he testified on oath. However, we feel that the first time identification of Firdoskhan(A-2) by Vikram Ratnu(PW-3) is not trustworthy and reliable.

30. We may observe that as per the case set out in the complaint and the evidence of the NCB officials, the team of narcotic officers/officials was divided into two groups. However, it is not clear from the evidence of any of the four prosecution witnesses as to what was the composition of these two groups. Neither the *panch* witness Manubhai(PW-1) nor the Intelligence Officer Deepak Pareek(PW-2) identified Firdoskhan(A-2) as the accused who had escaped from the bus stand. In this background, we feel that the first time identification of Firdoskhan(A-2) by Vikram Ratnu(PW-3) during his evidence in the Court recorded on 14th February, 2005 i.e. more than two years from the date of incident, is dubitable. The evidence of Vikram Ratnu(PW-3) to the extent he claimed to have identified Firdoskhan(A-2) is neither reliable nor it gets corroborated by any other independent evidence and hence, his evidence deserves to be discarded to this extent."

5. The Apex Court in the afore-extracted judgment holds that whether the accused has been investigated into or otherwise, if there is no corroborative material, proceedings against him cannot continue.

6. Learned counsel appearing for the petitioner submits that except the statements of the co-accused, there is



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no corroborative material against the petitioner for allegedly possessing 100 grams of ganja.

7. In the light of there being no corroboration and statements of the co-accused leading the petitioner to the web of proceeding and the absconding charge sheet filed against the petitioner, the following:

ORDER

- i. The petition is allowed.
- ii. Proceedings in C.C.No.728/2025 pending before the JMFC VII Court, Mangaluru, stand quashed *qua* the petitioner.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

SJK
List No.: 2 SI No.: 11