



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 17697 OF 2025

BETWEEN:

SRI. MOHAMMAD SALI
AGED ABOUT 31 YEARS,
S/O MOHAMMED,
R/AT # MORATHANA HOUSE,
MORATHANA KADAMBAR POST,
MANJESHWARA,
KASARAGOD DISTRICT,
KERALA-671 323.

...PETITIONER

(BY SRI. ARUN SHYAM M., SENIOR COUNSEL FOR
SRI. SUYOG HERELE E., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH ULLAL PS
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. VINAY MAHADEVIAH, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483
BNSS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND
DIRECT THE RESPONDENT ULLAL POLICE STATION TO
ENLARGE THE PETITIONER ON REGULAR BAIL IN CONNECTION
WITH CRIME NO.035/2025 ON THE FILE OF THE JMFC VII



COURT, MANGALORE, D.K., REGISTERED BY ULLAL POLICE STATION FOR THE ALLEGED OFFENCE UNDER SECTION 111 R/W 3(5) OF THE BNS AND 3(1), 251(B) (a) OF ARMS ACT.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner/accused No.2 in Crime No.35/2025 of Ullal Police Station, Mangaluru City, registered for the offence punishable under Section 111 of BNS 2023, Section 3(1) and 25 of the Arms Act, 1959, has preferred this petition to enlarge him on bail.

2. Heard the learned Senior counsel Sri Aruna Shyam M., appearing on behalf of learned counsel Sri Suyog Herele E., for petitioner and the learned HCGP for State and perused the material on record.

3. It is the case of prosecution that, on 13.03.2025 at about 08.00 a.m., the PSI, CCB unit, Mangaluru, received a credible information that two persons are illegally selling narcotic drugs and carrying



arms without any licence and roaming in a white colour Volkswagen car at Devipura, Talapadi, Ullal Taluk. Receiving the said information and after obtaining permission from the higher Officer, he proceeded to the spot along with the panchas, at about 9.45 a.m. They noticed a Volkswagen car bearing registration No.MH-02-BT-2287 and two persons in the said car. On enquiry, they revealed their names and address. From accused No.1, a pistol, two live cartridges and a mobile phone were recovered and from the petitioner i.e., accused No.2, a mobile phone and a car key were recovered apart from the seizure of car. Further, on 15.03.2025, accused No.3 was arrested and from his possession a pistol, live cartridge and a mobile phone were recovered.

4. Chargesheet has been filed against accused Nos.1 to 3 for the offence punishable under Section 111 r/w 3(5) of BNS 2023 and under Section 3(1), 25(1B)(a) of Arms Act.



5. Accused Nos.2 and 3 had preferred Crl.P.No.9467/2025 C/w Crl.P.No.11304/2025 before this Court to enlarge them on bail. The said petitions were dismissed vide common order dated 16.09.2025, with liberty to the petitioners to file a fresh bail petition before the Sessions Court, if the investigation was not completed within a period of 3 months or on any changed circumstances.

6. Subsequent to the dismissal of the petitions, the learned Sessions Judge has rejected petitioners bail petition in Crl.Misc.No.1009/2025 vide order dated 11.11.2025.

7. The reasons for dismissing the earlier petition was that the petitioner was involved in other criminal cases and therefore, he has criminal antecedents and also for the reason that further investigation was not completed.



8. Learned Senior Counsel would contend that a false case has been foisted against the petitioner and merely because there are allegations that he has been involved in other criminal cases, that itself is not a ground to decline the prayer for bail, since in the present case there is absolutely no recovery from the petitioner. Further, the allegations that the petitioner was illegally selling narcotic drugs and carrying arms as stated in the FIR etc., are without any basis. He contended that the alleged credible information received has not been recorded in any diary maintained by the police nor there is any case registered on receiving such credible information. Therefore, he contended that the entire contents of the FIR are false. He, further contended that the petitioner is innocent of the offences alleged and he is languishing in judicial custody from 13.03.2025. The entire investigation is over and petitioner is not required for any further investigation. He is ready to abide by any conditions and



therefore, submits that the petitioner may be enlarged on bail by imposing any conditions.

9. Per contra, the learned HCGP opposing the prayer for bail contended that the petitioner is involved in several criminal cases and Section 111 of BNS, 2023 has been invoked against the petitioner and therefore, he is not entitled for bail. He, further contended that if the petitioner is granted bail, there are chances of absconding and committing similar offences. Accordingly, he sought to dismiss the petition.

10. It is no doubt that Section 111 of BNS, 2023 has been invoked in this case. However, the fact remains that there is no recovery of any incriminating articles from the petitioner. The alleged recovery of a pistol and live cartridges are from accused No.1. Insofar as petitioner/accused No.2 is concerned, there is recovery of only a mobile phone and a car key. Merely because the petitioner was along with accused No.1, that itself will not



lead to a conclusion at this stage to hold that he is also involved along with accused No.1 to commit any offence.

11. It is also pertinent to mention that according to the prosecution, they received a credible information that the accused are indulged in selling narcotic drugs and for that purpose they are moving around Devipura, Talapadi, Ullal Taluk etc. However, no narcotic drug has been seized from the possession of the petitioner.

12. Learned Senior counsel contended that there is no material as against the petitioner to invoke Section 111 of BNS, 2023 to show that he is continued in unlawful activities.

13. From the material on record, this Court finds that in the instant case, there is no sufficient material at this stage to show that the petitioner was either in possession of narcotic drugs or any fire arms. The prosecution has to establish its case during trial.



14. Insofar as criminal cases registered against the petitioner, it is useful to refer to para-23 of the judgment of the Hon'ble Apex Court in the case of **Abhimanue Etc. v. State of Kerala** reported in **2025 SCC online SC 2037**, which is extracted hereunder:

"23. Our attention was also invited to the status report filed by the State, to indicate the various criminal antecedents of the appellants. Suffice it to say, however, that such antecedents by themselves cannot constitute a ground for denial of bail. In this context, a useful reference may be made to the decision of a coordinate Bench of this Court in Ayub Khan v. State of Rajasthan⁷ of which one of us (Augustine George Masih, J.) was a member. The relevant paragraph therefrom is extracted below:

10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant



in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents.....”

15. Petitioner has undertaken to furnish sufficient surety including local surety. Considering that he is in judicial custody from 13.03.2025 and the investigation has been completed, by imposing appropriate conditions the relief sought can be granted. Accordingly, the following:

ORDER

I. Petition is **allowed**.

II. Petitioner/accused No.2 in Crime No.35/2025, Ullal Police Station, Mangaluru City, shall be enlarged on bail, subject to following conditions:

1. He shall furnish a bond in a sum of Rs.2,00,000/- (Rupees two lakhs only) with two sureties, out of which one shall



be a local surety, to the satisfaction of the jurisdictional Court.

2. He shall furnish his residential address and shall inform the I.O./Court, if there is change in the address.
3. He shall not directly or indirectly tamper with the prosecution witnesses.
4. He shall not indulge himself in committing any offence.
5. He shall appear before the trial Court regularly on all dates of hearing.

Violation of any of the conditions shall result in cancellation of bail.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE