IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 5724 OF 2020

BETWEEN:

Jameer Pasha @ Zameer
S/o. Fyroz,
Aged about 33 years,
Resident of Near Shahi Masjid,
Ward No.18, Pension Mohalla,
Hassan-573201.

…Petitioner

(By Sri. B.Chethan, Advocate)

AND:

State of Karnataka
State by Hassan Pension Mohalla Police,
Hassan-573201
Represented by State Public Prosecutor,
High Court of Karnataka,
Bengaluru-560001.

... Respondent

(By Sri. K.S.Abhijith, HCGP)

This Criminal Petition is filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.85/2020 of Pension Mohalla Police Station, Hassan for the offence punishable under Sections 20(b) and 8(a) of NDPS Act.

This Criminal Petition coming on for orders, this day, the Court made the following:

ORDER

Heard both sides.

2. On 30.11.2020, it was observed that this petition could be decided after filing of the charge sheet as the Government Pleader made a submission that charge sheet would be filed in the next ten days. So far charge sheet has not been filed. Hence the petition is taken up for disposal.

3. Petitioner is accused no.1 in FIR No.85/2020 registered for the offence punishable under Section 8(a) r/w 20(B) of NDPS Act.

4. On receipt of a credible information, the Police Inspector, D.C.I.B. Wing, Hassan District, made a raid at about 10.10 p.m. on the house of accused no.3, Amzad Pasha and recovered 2 Kgs. 900 grams of ganja which was kept in a blue colour plastic container. Seeing the police, one person ran away from that place and accused no.2 and 3

revealed the name of the person who fled away from that place. According to the prosecution, the person who ran away was the petitioner. He was arrested on 2.10.2020.

5. The remand application dated 2.10.2020 shows that the house from where ganja was seized belongs to accused no.3. It appears that petitioner has been implicated for the reason that accused no.2 and 3 would take the name of the petitioner before the police at the time of raid. Total quantity of ganja seized was 2.900 grams which is intermediary quantity. Though according to the learned Government Pleader, the petitioner is said to be involved in another case of this nature, having regard to the circumstance that his name was taken by the other accused and that the house where the ganja was seized belonged to accused no.3, I am of the opinion that prima facie materials are not forthcoming against the petitioner at this stage. Therefore bail can be granted. Hence the following:

ORDER

i. Petition is allowed.

ii. The petitioner shall be released on bail on obtaining from him a bond for Rs.2,00,000/- (Rupees Two Lakh only) and providing two sureties for the likesum to the satisfaction of the trial court.

The petitioner is subjected to the following conditions:

a. He shall not threaten the witnesses and destroy the evidence in whatsoever manner.

b. He shall regularly appear before the trial court till conclusion of trial.

c. He shall not involve in any case, if he involves in any other criminal case in future, bail will be cancelled.

d. Till conclusion of trial he shall mark his attendance in the respondent – police station once in a week, on a Sunday between 9.00 a.m. and 12.00 noon.

SD/-
JUDGE

sd