NC: 2024:KHC:52223
CRL.P No. 12300 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12300 OF 2024

BETWEEN:

ABHISHEK R.
S/O. C. RAVI
AGED ABOUT 23 YEARS
R/AT NO. 1/1, HANUMIAH REDDY ROAD
HAL 2ND STAGE
HALASURU
BENGALURU - 560 016

…PETITIONER

(BY SRI. NARAYANA SWAMY M., ADVOCATE)

AND:

STATE BY HENNUR P S
BANGALORE
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
AT BANGALORE 560001

…RESPONDENT

Digitally signed by REKHA R
Location: High Court of Karnataka

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 (FILED UNDER SECTION 483 BNNS) OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.272/2024 SPL.C.NO.1985/2024 UNDER SECTION 8(C), 22(c) OF NDPS ACT OF 1985 OF HENNUR P.S., PENDING ON THE FILE OF THE COURT OF THE XXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE FOR NDPS CASES AT BENGALURU (CCH-33) BENGALURU. ON SUCH TERMS AND CONDITIONS THAT THIS HONBLE COURT DEEMS FIT TO THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Spl.C.No.1985/2024 pending before the Court of XXXIII Additional City Civil and Sessions Judge, and Special Judge for NDPS cases, Bengaluru, arising out of Crime No.272/2024 registered by Hennur Police Station Bengaluru city, for the offences punishable under Sections 8(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS' Act) is before this Court under Section 439 of Cr.P.C, seeking regular bail.

2. Heard learned counsel for the parties.

3. FIR in Crime No.272/2024 was registered by Hennur Police Station, Bengaluru city, for the aforesaid offence against petitioner herein, on the basis of the first information dated 05.06.2024 received from Ramesh M N, Police sub-inspector attached to Hennur Police Station Bengaluru. During the course of the investigation of the case, the petitioner herein was arrested on 05.06.2024 and subsequently remanded to judicial custody. Investigation in the case is completed and charge sheet

has been filed against the petitioner herein for the aforesaid offences.

4. Bail application filed by the petitioner before the trial Court in Crl.Misc.No.8485/2024 was rejected on 24.10.2024. Therefore, he is before this Court.

5. Learned counsel for the petitioner submits that the petitioner is a youngster, aged about 23 years having no criminal antecedents. Contraband article recovered in the present case is of intermediate quantity. Accordingly, she prays to allow the petition.

6. *Per contra,* learned HCGP who has opposed the bail petition, however does not dispute the submission made by learned counsel for the petitioner.

7. It is the case of the prosecution that on 05.06.2024 first informant had received a credible information that a person who was standing near Challigere play ground within the jurisdiction of Hennur Police Station, Bengaluru was making efforts to sell contraband article MDMA to the public. On receipt of such

information, a raid was conducted to the alleged spot and petitioner was arrested and from his possession contraband article allegedly MDMA weighing 21 grams was seized. The apprehended accused was arrested and subsequently remanded to judicial custody. Seized contraband article was subjected to panchanaama. Investigation of the case is completed and charge sheet has been filed.

8. The sample of contraband article which was forwarded to the Forensic Science Laboratory, for the purpose of chemical examination has tested positive for drug known as methamphetamine and tested negative for drug known as MDMA. 21 Grams of methamphetamine is considered as an intermediate quantity, as per the relevant notification issued under provisions of NDPS Act 1985. Therefore, the rigor under Section 37(1)(b) cannot be strictly made applicable to the petitioner. Undisputedly, the petitioner has no other criminal antecedents and he is in custody for the last more than six months. Under the

circumstances, I am of the opinion that his prayer for grant of regular bail needs to be answered affirmatively.

9. Accordingly, the following:

ORDER

The criminal petition is allowed.

The petitioner is directed to be enlarged on bail in Spl.C.No.1985/2024 pending before the Court of XXXIII Additional City Civil and Sessions Judge, and Special Judge for NDPS cases, Bengaluru, arising out of Crime No.272/2024 registered by Hennur Police Station Bengaluru city, for the offences punishable under Sections 8(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 subject to the following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

SD/-
(S VISHWAJITH SHETTY)
JUDGE

ASN
List No.: 1 Sl No.: 41