IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 3673 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

SRI SHAFIULLA
S/O JIYAULLA,
AGED ABOUT 33 YEARS,
PRESENTLY R/AT NO.106,
5TH CROSS, 1ST STAGE,
KESARE MYSORE,
MOHAMMED SAIT BLOCK,
MYSORE CITY – 570 007.

…PETITIONER

(BY SRI. SAMPATH KUMAR A.V., ADVOCATE)

AND:

STATE OF KARNATAKA
BY NARASIMHARAJA P S,
MYSURU
REP BY
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU – 560 001.

…RESPONDENT

(BY SMT. ANITHA GIRISH N., HCGP)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

CRL.P FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN CRIME NO.17/2026 OF THE RESPONDENT NO.1 NARASIMHA RAJA POLICE STATION, MYSURU, FOR THE OFFENCE P/U/S 22(c) OF NDPS ACT, PENDING ON THE FILE OF THE HON'BLE VII ADDL. DISTRICT AND SESSIONS JUDGE, COURT AT MYSURU.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

1. This criminal petition is filed by the petitioner who is arrayed as accused No.1 seeking regular bail in Crime No.17/2026 filed by the respondent-Police for the offences punishable under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short NDPS*).

Factual matrix of the case:

2. The case of the prosecution is that on 22.01.2026 at about 01.40 p.m., when the complainant

was on patrolling duty along with his staff while he was proceeding towards Varuna channel, he has noticed a person who was standing in a suspicious manner, immediately, the complainant apprehended him and enquired him and conducted search the pockets. The complainant had noticed that the petitioner had possessed contraband viz., MDMA and it was weighed about 17.4 grams. The same has been seized by the complainant and his team in the presence of panch witnesses and lodged a complaint. The investigation is under progress.

3. Heard Sri. Sampath Kumar A.V., learned counsel for the petitioner and Smt. Anitha Girish N., learned High Court Government Pleader for respondent.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences and he is not a habitual offender. He has been falsely implicated in this case. The alleged search and seizure has not been conducted in accordance with law. Therefore, the

petitioner may be enlarged on bail by imposing suitable conditions. He will abide by the conditions imposed by this Court in the event of his release on bail. Making such submission learned counsel for the petitioner prays to allow the petition.

5. Per Contra, learned High Court Government Pleader for respondent – State of Karnataka vehemently submitted that the petitioner along with another accused was selling contraband to the public. The contraband was weighing 17.4 grams which is considered as commercial quantity. If the petitioner is enlarged on bail, there will be chances of committing similar offences. Hence, it is not appropriate to grant him bail. Making such submission learned High Court Government Pleader for respondent – State of Karnataka prays to reject the petition.

6. Heard learned counsel for the respective parties and perused the averments of the complaint, it appears from the record that the complainant is a Sub-Inspector of

Police attached to Narasimha Raja Police Station, Mysore. On 22.01.2026 at about 01.40 p.m., when the complainant was on patrolling duty along with his staff, he was proceeding towards Varuna channel and saw that petitioner standing in a suspicious manner. Immediately, the complainant apprehended him and conducted enquiry and also searched the pockets of the petitioner. The complainant found that the petitioner had possessed contraband and the same is known as MDMA and it was weighing 17.5 grams.

7. Be that as it may, FSL report would indicate that the seized contraband is not MDMA. Moreover, the petitioner is not a habitual offender. Considering the said aspect, it is appropriate to grant him bail by imposing suitable conditions that would take care of the apprehension of the prosecution.

8. Hence, I proceed to pass the following:

ORDER

i. This Criminal Petition is ***allowed.***

ii. The petitioner is ordered to be enlarged on bail in Crime No.17/2026 filed by the respondent-Police for the offences punishable under Section 22(C) of the NDPS Act, 1985, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with one (01) surety to the like sum of the satisfaction of the Trial Court.

iii. The petitioner shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.

iv. The petitioner shall appear before the Trial Court on all hearing dates, without fail.

v. The petitioner shall not indulge in any criminal cases till disposal of the case.

In case the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM