IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4864 OF 2026

BETWEEN:

MOHAMMAD SAMMAN @ SALMAN
S/O. MOHAMMAD GOUSE
AGED ABOUT 24 YEARS,
R/AT 7TH CROSS, ANALEKOPPA,
SAGAR TOWN, SHIVAMOGGA - 577 401.

...PETITIONER

(BY SRI. LETHIF B, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SAGARA TOWN STATION,
SHIVAMOGGA DISTRICT,
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. SOWMYA R, HCGP)

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN CC.NO.1018/2025 REGISTERED BY SAGARA TOWN P.S., SHIVAMOGGA DISTRICT, WHICH IS PRODUCED AT ANNEXURE-A, PENDING BEFORE THE PRL. CIVIL JUDGE AND JMFC, SAGARA, SHIVAMOGGA, FOR THE OFFENCES P/U/S 8(c), 22(a), 27(a), 29, 30 OF NDPS ACT.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Heard Sri. Lethif B., learned counsel appearing for the petitioner and Smt. Sowmya R., learned High Court Government Pleader appearing for the respondent.

2. The petitioner is before this Court calling in question the proceedings in C.C.No.1018/2025 registered for the offence punishable under Section 8(c), 22(a), 27(a), 29, 30 of the Narcotic Drugs and Psychotropic Substances Act, 1985

3. The learned counsel appearing for the petitioner would submit that the issue in the *lis* stands covered by the judgment rendered by the Co-ordinate Bench in the case of ***MOHAMMAD ALI H. Vs. THE STATE OF KARNATAKA***[1], the Co-ordinate Bench has held as follows:

> "Petitioner, who has been arraigned as accused No.5 in the FIR and charge sheet has preferred this

1 Crl.P.No.14763/2025 disposed on 09.01.2026

petition seeking to quash the proceedings initiated against him.

2. Heard the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the entire material on record.

3. A case in Crime No.49/2023 was registered at Sagar Town Police Station, Shivamogga against accused Nos.1 to 5 for the offence punishable under Section 8(c), 22(A), 27(a), 29 and 30 of the NDPS Act, 1985, on a suo motu complaint lodged by the Police inspector, Sagar Town Police Station.

4. As could be seen from the contents of the FIR, on 13.03.2023 at about 03.00 a.m., a credible information was received over phone that a certain person traveling from Mangaluru to Sagar by bus, was intending to hand over drugs to the persons traveling in a Maruthi Suzuki Swift desire Car bearing Registration No.KA-15-N-1137. Recording the said information in the Station House Diary, the complainant proceeded to the spot along with panchas and a Gazetted Officer and apprehended accused Nos.1 to 3. From the said accused, mobile phones, prepaid sims, cash of Rs.200 and 1.06 grams of drugs, a bottle with a label 'Kings Heena 25 grams', sheet of tablets and the car bearing Registration No.KA-15-N-1137 were seized under a mahazar.

5. From the FIR contents, it is seen that the petitioner was neither present nor apprehended from the spot. He has been arraigned as accused No.5 in the FIR. In the complaint, it is alleged, when accused No.1 was interrogated, he confessed that he got acquainted with one Shashi Poojari - accused No.4 and while the said accused was in Shivamogga prison, he called him over phone on 09.03.2023 and informed him to give the drug parcel to the associates of the petitioner herein, who was also lodged in the said prison.

6. Chargesheet is filed against accused Nos.1 to 7 for the offence punishable under Section 8(c), 22(A), 29 and 30 of the NDPS Act, 1985 and Section 201 of IPC. The specific allegations of possessing the drug in question, i.e., 1.06 of methamphetamine, as per the FSL report, is against accused Nos.1 to 3. It is alleged that the present petitioner and accused No.4 who were in prison have destroyed the mobile phone used for contacting accused No.1. Hence, by virtue of Section 201 of IPC, petitioner has been arraigned as accused No.5 in the chargesheet.

7. It is the case of prosecution that accused No.4, while in prison, contacted accused No.1 and told him to hand over the drugs to accused Nos.2 and 3 i.e., the associates of accused No.5. The said allegation is not only on the basis of the confessional statement of accused No.4, but it is also relevant to see that the prosecution has not alleged that it was accused No.5 i.e., the petitioner herein who contacted accused No.1 and told him to hand over the drugs to his alleged associates namely accused Nos.2 and 3. Those allegations are entirely on the basis of the statement of the co-accused i.e., accused No.1, which is not a substantive evidence and cannot be relied upon to implicate the petitioner. Further, insofar as the allegation of destroying the mobile phone is concerned, there is absolutely no material placed on record by the prosecution.

8. Having perused the entire material on record, this Court is of the consider view that there is no material against the petitioner so as to proceed against him. The proceedings initiated against him is therefore, an abuse of process of the Court. Hence, the petition deserves to be allowed. Accordingly, the following:

ORDER

Petition is allowed.

The entire proceeding as against the petitioner/accused No.5 in CC No.1018/2025 pending on the file of the Principal Civil Judge and JMFC, Sagara, Shivamogga is quashed."

4. In the light of the issue standing covered by judgment rendered by the Co-ordinate Bench and the facts being undisputed, the petition stands disposed on the same terms.

5. For the aforesaid reasons, the following:

ORDER

(i) The criminal petition is ***allowed***.

(ii) The proceedings against the petitioner/ accused No.2 in C.C.No.1018/2025 pending on the file of the Principal Civil Judge and JMFC, Sagara stands quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 1 Sl No.: 79