HC-KAR

NC: 2026:KHC:24523
CRL.P No. 6080 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 6080 OF 2026 (482(Cr.PC) / 528(BNSS))

BETWEEN:

SAMEER @ SAMEER KHAN,
AGED ABOUT 46 YEARS,
S/O SAMIULLAH KHAN,
R/AT NO.53, 1st MAIN,
NEW GURAPPANAPALYA, 1st STAGE,
BENGALURU-560 029.

...PETITIONER

(BY SRI. NARAYANA REDDY M., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BY THE STATION HOUSE OFFICER,
KOLLEGAL POLICE STATION,
KOLLEGAL TOWN, CHAMARAJANAGARA,
PIN-571 440.
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560001.

2. SHIVAMADAIAH,
AGED ABOUT 45 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
PRESENTLY WORKING AS CIRCLE POLICE INSPECTOR,
KOLLEGAL CIRCLE, KOLLEGALA TOWN,
CHAMARAJANAGARA DIST, PIN- 571 440.

...RESPONDENTS

(BY SRI. ANOOP KUMAR M.V., HIGH COURT GOVERNMENT PLEADER)

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIRST INFORMATION REPORT ANNEXURES-A AGAINST THE PETITIONER IN CRIME NO.55/2026 OF THE FIRST RESPONDENT KOLLEGALA POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 20(b)(ii)(A), 27(b) AND 25 OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT 1985, PENDING ON THE FILE OF THE LEARNED PRINCIPAL CIVIL JUDGE (JR.DN) AND JMFC AT KOLLEGALA.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has filed this petition challenging the registration of an F.I.R. against him by the respondent No.1 in Crime No.55/2026 for the offences punishable under Sections 20(b)(ii)(A) (corrected as 20(b)(ii)(B) in terms of the order dated 04.04.2026 passed by the I/C Prl. Civil Judge and JMFC., Kollegala), 27(b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, pending trial before the Principal District and Sessions Judge, Chamarajanagara.

2. It appears that on receiving credible information, the respondent No.1 raided the premises belonging to accused No.16. It was found that the other accused were in possession

of narcotic and psychotropic substances. It appears that the said accused disclosed that the narcotic and psychotropic substances were given to them by the petitioner herein to celebrate the birthday party of the accused No.1.

3. Based on the above statement, the petitioner is arraigned as an accused. Being aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner is arraigned as an accused based on the statement of a co-accused which is inadmissible in evidence. He submits that the petitioner has already filed an application for bail and the respondent No.1 is trying to take further steps so as to spurn the chances of the petitioner obtaining bail.

5. Learned High Court Government Pleader, on the other hand, submits that the case is still at the initial stage and the role of the petitioner is yet to be ascertained and hence, he submits that no indulgence be shown to the petitioner in this petition.

6. I have considered the submissions of the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent Nos.1 and 2.

7. A perusal of the F.I.R. as well as the information furnished by the respondent No.2 shows that the petitioner was not present at the spot of the crime. On the other hand, it was the other accused, who were in possession of narcotic and psychotropic substances and they disclosed that the narcotic and psychotropic substances were given to them by the petitioner herein. As rightly contended by the learned counsel for the petitioner, the petitioner could not have been arraigned as an accused based on the statement of a co-accused.

8. In that view of the matter, it is appropriate to direct the respondent No.1 not to arrest the petitioner. However, the petitioner shall co-operate with the on-going investigation in Crime No.55/2026 by the respondent No.1.

9. The petition stands ***disposed off*** on the above terms.

10. In view of disposal of this petition, I.A. No.1/2026 for stay does not survive for consideration and the same stands disposed off.

Sd/-
(R. NATARAJ)
JUDGE

SMA
List No.: 4 Sl No.: 6