HC-KAR

NC: 2026:KHC:59762
CRL.P No. 9702 of 2026

CNR: KAHC010453542026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9702 OF 2026 (439(Cr.PC) / 483(BNSS))

BETWEEN:

SYED TARIQ IQBAL,
S/O. SYED RAHAMATHULLA,
AGED ABOUT 33 YEARS,
R/AT NO.33, 4TH CROSS,
GOSPEL STREET, KACHARAKANAHALLI,
BENGALURU - 560 084.

NOW R/AT : NO.34, 1ST 'C' CROSS,
CHIKKABANASWADI,
BENGALURU - 560 043.
(NOW IN JUDICIAL CUSTODY,
CENTRAL PRISON, BENGALURU).

...PETITIONER

(BY SRI. K.S. VISHWANATHA, ADVOCATE)

Digitally signed by V MANJUSHA BAI
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY ASHOK NAGAR POLICE,
BENGALURU - 560 026.
(REPRESENTED BY LEARNED STATE PUBLIC PROSECUTOR, HCK, BENGALURU - 01).

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S. 439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO ENLARGE HIM ON BAIL IN CRIME NO.405/2025 OF ASHOK NAGAR POLICE STATION, BENGALURU WHICH IS PENDING ON THE FILE OF THE HON'BLE XXXIV

ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE (NDPS) BENGALURU (CCH-35) IN SPL.C.NO.944/2026 FOR OFFENCE U/S. 8(c) AND 22(c) OF NDPS ACT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.2 in Special Case No.944/2026 pending before the Court of XXXIV Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.405/2025 registered by Ashok Nagar Police Station, Bengaluru for the offences punishable under Sections 8(c) and 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') is before this Court in this petition filed under Section 483 of BNSS 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.405/2025 was registered by Ashok Nagar Police Station, Bengaluru, against the petitioner herein for the aforesaid offences, based on the information received by a Police Officer attached to the said Police Station on

31.12.2025. In the said case, petitioner was arrested on 31.12.2025 and remanded to judicial custody. After completing the investigation, the charge sheet is filed, wherein petitioner is arrayed as accused no.2. The bail application filed the petitioner before the trial court in Spl.C.No.944/2026 was rejected. Therefore, the petitioner is before this Court seeking regular bail.

4. Learned counsel for the petitioner submits that there is non-compliance with the requirements of Section 42 of the NDPS Act in the present case. It is further submitted that petitioner has no criminal antecedents. This Court has granted interim bail to the petitioner to take care of his pregnant wife and petitioner has not violated any of the bail conditions. Accordingly, prays to allow the petition.

5. Per contra, learned HCGP opposes the petition. However, he does not dispute the submission that the requirements of Section 42 of the NDPS Act have not been complied with.

6. A reading of the first information report as well as the charge sheet filed in the present case, reveals that the first informant received credible information while he was in the Police Station to the effect that the petitioner, who was carrying contraband, was supposed to arrive near a crematorium located within the jurisdiction of the Ashok Nagar Police Station and it is under these circumstances, FIR was registered against the petitioner in Crime No.405/2025.

7. Since the first informant had received credible information while he was in the Police Station in compliance of Section 42 of NDPS Act he was required to reduce the same in writing in the requisite register and forward the same to his Higher Officer before proceeding further. In the present case, such a mandatory requirement of law has not been complied with.

8. In the case of ***DARSHAN SINGH v. STATE OF HARYANA*** reported in ***(2016) 14 SCC 358***, the Hon'ble Supreme Court has observed that registration of an FIR based on credible information is not a substitute for complying with the mandatory requirements of Section 42 of the NDPS Act.

9. It is not in dispute that the petitioner has no criminal antecedents. This Court, vide order dated 13.07.2026 had granted interim bail to the petitioner for the purpose of taking care of his wife who was pregnant. There is no allegation that the petitioner has violated any of the conditions imposed by this Court while granting him interim bail.

10. Learned counsel for the petitioner submits that the petitioner's wife has given birth to a girl child and there is nobody to take care of her. Since there is non-compliance of Section 42 of the NDPS Act in the present case and also having regard to the fact that petitioner has no criminal antecedents, rigour under Section 37(1)(b) of the NDPS Act cannot be made applicable against petitioner.

11. The case before the Trial Court is at the stage of hearing before charge. Therefore, the chances of trial being completed and case being disposed of on merits in near future is very remote. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to

be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

i) The Criminal Petition is ***allowed***.

ii) The petitioner is directed to be enlarged on bail in Spl.C.No.944/2026 pending before the Court of XXXIV Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.405/2025 registered by Ashok Nagar Police Station, Bengaluru, for the offences punishable under Sections 8(c) and 22(C) of the NDPS Act, subject to the following conditions:

a) 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; and

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;

f) The petitioner is directed to appear before the Station House Officer, Ashok Nagar Police Station, Bengaluru, on first Sunday of every month between 10.00 a.m. and 01.00 p.m. and mark his attendance regularly until the case registered against him is disposed of.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

VMB
CT:SM
List No.: 1 Sl No.: 57