HC-KAR
NC: 2026:KHC:53001
CRL.P No. 11880 of 2026
CNR: KAHC010544862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 11880 OF 2026

BETWEEN:

SRI DHEERAJ,
AGED ABOUT 30 YEARS,
S/O LATE ASHOK SHARMA,
R/O NO.33, 4TH FLOOR,
7TH BLOCK, DAKSHNINIPURI,
AMBEDKARNAGAR,
SOUTH DISTRICT, DELHI-110062
PETITIONER CURRENTLY IN
JUDICIAL CUSTODY
UTP NO.4837/2026.

…PETITIONER

(BY SRI SOMANNA K P, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY YESHWANTHPUR POLICE STATION,
   REPRESENTED BY STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU - 560001.

2. SATHISH K,
   AGED ABOUT 35 YEARS,
   YESHWANTHPUR POLICE STATION,
   BENGALURU CITY, KARNATAKA-560022

…RESPONDENTS

(BY SRI B N JAGADEESHA, SPP-I)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. SET

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ASIDE THE ORDER OF POLICE REMAND DATED 24.06.2026 PASSED BY THE XXXIV ADDL.CITY CIVIL AND SESSIONS JUDGE AND SPL.JUDGE (NDPS) BENGALURU IN CRIME NO.148/2026 REGISTERED BY THE 1ST RESPONDENT YESHWANTHPURA POLICE STATION AND ALL CONSEQUENTLY REMAND ORDERS PASSED THEREAFTER AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned State Public Prosecutor for the respondent-State.

2. This petition is filed to quash the order dated 24.06.2026 remanding the petitioner to the police custody. The said order is passed in Crime No.148/2026 registered before the Yeshwantpura Police.

3. The further prayer is that the action of the respondent No.2 police in securing the petitioner's production under body warrant dated 19.06.2026 be declared as unlawful and unconstitutional.

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4. The third prayer is to enlarge the petitioner from judicial custody in Crime No.148/2026 registered on 04.05.2026 by the first respondent-Yeshwantpura Police.

5. The learned counsel appearing for the petitioner taking through the facts of the case would submit that the petitioner was initially arrested in Crime No.92/2026 on 11.05.2026. Said crime was registered in Hebbal Police Station at Bengaluru. The offence alleged is under Section 22(c) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act, 1985).

6. Learned counsel appearing for the petitioner would also submit that on 04.05.2026 FIR was registered in Crime No.148/2026 before the Yeshwantapura Police for the offence under Section 22(c) of the Act, 1985.

7. It is the contention that petitioner was arrested at 11:00 a.m. in Delhi and was produced before the Magistrate at Delhi on 15.05.2026 at 07:00 p.m.

8. It is the further contention that, later petitioner was in the custody of the police pursuant to the order passed by the

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jurisdictional Magistrate in Crime No.92/2026. Since, one more complaint was registered in Crime No.148/2026 against the said petitioner, in the said crime the petitioner was arrayed as accused No.4. In the FIR No.92/2026 petitioner was arrayed as accused No.6.

9. In Crime No.148/2026 the respondent-Police moved a requisition to the Magistrate to secure the custody of the petitioner who was already in police custody in Crime No.92/2026. The custody was granted on 24.06.2026 and was in force till 27.06.2026. On that day, again the petitioner was presented before the jurisdictional Magistrate and the jurisdictional Magistrate extended the original custody.

10. Learned counsel for the petitioner would submit that since the petitioner was already in custody in Crime No.92/2026, his custody could not have been extended vide order dated 27.06.2026 and as such, the custody is illegal. It is the further submission that petitioner could not have been simultaneously be given in police custody in two different cases.

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11. Learned counsel for the petitioner in support of his contention would also place reliance on the judgment of the Apex Court in ***Dhanraj Aswani vs Amar S. Mulchandani and Another[1].*** Learned counsel for the petitioner would urge that while petitioner was sent back to the police custody in Crime No.148/2026, the grounds of arrest were not been furnished as such, his custody is illegal.

12. Learned SPP appearing for the respondent/State would submit that the petitioner was arrested in Crime No.92/2026 in the first instance and then the petitioner was in the custody in terms of the order passed by the Court. Later one more case was registered against petitioner in FIR No.148/2026 and his custody was sought by way of remand application in the said case as he was already in custody in Crime No.92/2026. Since petitioner was required to be interrogated in connection with Crime No.148/2026, accepting the grounds urged by the respondent-State the learned Magistrate extended the custody from 23.06.2026 to 27.06.2026 and the custody in Crime No.148/2026 came to an

[1] (2024) 10 SCC 336

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end on 27.06.2026 and on that day, the Magistrate passed a specific order stating that petitioner's original custody is extended.

13. Learned SPP would submit that the order extending original custody passed in Crime No.148/2026 is to be understood as having extended the custody in Crime No.92/2026. Thus, it is urged that the petitioner is not in custody in Crime No.148/2026 from 27.06.2026 onwards. Accused was in custody in Crime No.148/2026 from 23.07.2026 till 27.06.2026.

14. It is the further submission of the learned SPP that on 27.08.2026 there was an order in Crime No.148/2026 extending the judicial custody. The said order led to the confusion as to whether petitioner's custody was extended in Crime No.148/2026 or in Crime No.92/2026 and the clarification was sought in this behalf and the learned Magistrate has clarified vide order dated 05.10.2026 that the custody of the accused was extended in Crime No.92/2026 and not in Crime No.148/2026.

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15. In addition, the learned SPP would also refer to the judgment of the Apex Court in ***Kasireddy Upender Reddy vs State of Andhra Pradesh and Others***[2] and would refer to paragraph No.41 of the said judgment to contend that in case the person is arrested pursuant to the warrant issued by the Court, then there is no need to serve the grounds of arrest and the warrant itself would constitute the grounds of arrest.

16. Thus, it is urged that since the petitioner's custody was lawfully taken, there is no violation of any of the provisions of law relating to the arrest of the accused.

17. The Court has considered the contentions raised at the Bar and perused the records.

18. Though the learned counsel for the petitioner would refer to the judgment of the Apex Court in ***Dhanraj Aswani***, *(supra)* to contend that since the petitioner is deemed to be in custody in Crime No.148/2026, his right to move anticipatory bail application is taken away, the Court is of the view that order passed by the Magistrate on 27.08.2026 in Crime

[2] (2026) 8 SCC 275

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No.148/2026 extending the judicial custody cannot be construed as having extended the custody in Crime No.148/2026. Even the learned SPP has made a statement that the petitioner is not in custody in Crime No.148/2026. More than anything else, the learned Magistrate has clarified his order extending custody stating that the custody of the accused is extended in Crime No.92/2026.

19. It is also relevant to notice that the petitioner was produced before the Court on 27.06.2026 in Crime No.148/2026 and while extending the custody of the petitioner the Court has clarified that the petitioner is given to the **original custody**, which would mean the custody granted in Crime No.92/2026.

20. That being the position, absolutely there is no difficulty in holding that the petitioner is not in custody in Crime No.148/2026 and his right to move anticipatory bail application is very much intact.

21. In case any such application is filed, the respondent-State shall not raise an objection stating that the

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petitioner is already in custody in Crime No.148/2026. It is very much clarified that the petitioner is in custody in Crime No.92/2026.

22. As far as the contention that the petitioner's arrest is illegal is concerned, the Court does not find any reason to accept the said contention as the petitioner in Crime No.148/2026 was given to the custody of the police on 23.06.2026 by the order of the Magistrate and petitioner was in custody till 27.06.2026. Said custody cannot be said to be termed as illegal custody. Such custody is in accordance with law and all the procedures contemplated in law have been followed.

23. Accordingly, the Criminal Petition No.11880/2026 is ***dismissed.***

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 2 Sl No.: 48