HC-KAR

NC: 2026:KHC:59516
CRL.P No. 12018 of 2026

CNR: KAHC010550122026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12018 OF 2026

BETWEEN:

ABDUL ASSER @ SADDU @ SADU @ MAYA,
S/O. MOHAMMED ASHRAF,
AGED ABOUT 20 YEARS,
R/AT: NANGI HOUSE, NANGI KADAPURAM,
MOGRAL POST, KASARGOD,
STATE OF KERALA - 671 321.

...PETITIONER

(BY SRI. LETHIF B, ADVOCATE)

AND:

STATE OF KARNATAKA,
BY MANGALURU EAST POLICE STATION,
D.K DISTRICT,
REP. BY SPP,
HIGH COURT BUILDING,
BANGALORE - 560001.

...RESPONDENT

(BY SRI. RAHUL RAI.K, HCGP)

Digitally signed by YASHODA K L
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) TO RELEASE HIM ON BAIL IN CR.NO.29/2025 (SPL.C.NO.150/2025) REGISTERED BY MANGALURU EAST P.S., FOR THE OFFENCES P/U/S 8(c) AND 22(c) OF NDPS ACT, PENDING BEFORE THE PRL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU.

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

CNR: KAHC010550122026

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Spl.C.No.150/2025 pending before the Court of Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.29/2025, registered by Mangaluru East Police Station, Dakshini Kannada District, for offences punishable under Sections 8(c) and 22(C) of NDPS Act, is before this Court in this successive bail application filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.29/2025 was registered by Mangaluru East Police Station, Dakshina Kannada District, for the aforesaid offences, against the petitioner and another, based on the first information dated 16.03.2025 received from Sharanappa Bhandary, Police Officer attached to CCB police, Mangalore City, Dakshina Kannada District. In the said case, the petitioner was arrested on 16.03.2025 and remanded to judicial custody. After completing investigation, charge sheet is

filed against the petitioner and another. His bail application filed before the trial Court in Special Case No.150/2025 was rejected. Thereafter, he had approached this Court in Crl.P.No.15288/2025 which was dismissed by the Coordinate bench on 05.03.2026. Subsequently, a fresh bail application was filed before the Trial Court in Spl.C.No.150/2025 which was rejected on 08.07.2026. Therefore, he is before this Court in this successive bail application.

4. Learned counsel for the petitioner, after reiterating the grounds urged in the petition, submits that there is absolutely no progress in the trial and petitioner has no other similar case registered against him. He submits that the last case registered against the petitioner was in the year 2018 and thereafter, he was abroad for a period of more than six years. He also submits that there is no compliance of section 42 of the Narcotic Drugs and Psychotropic Substances Act, in the case on hand. Accordingly, prays to allow the application.

5. *Per contra,* learned High Court Government Pleader who has opposed the petition, submits that no change in

circumstances has been made out to entertain the successive bail application of the petitioner who is found in possession of commercial quantity of contraband article. Accordingly, he prays to dismiss the petition.

6. First informant in the present case had received credible information that petitioner who was carrying contraband article was arriving at Mangalore from Kasaragod and based on such information, petitioner was apprehended and from his possession, contraband article totally weighing 56.04 grams allegedly MDMA was recovered and seized under panchanama. Thereafter, petitioner was arrested and FIR was registered against him and another for the aforesaid offences. Charge sheet is now filed against two persons in which petitioner is arrayed as accused No.1. Petitioner is in custody in the present case for the last more than one year seven months. Trial in the case is not yet commenced.

7. The Hon'ble Supreme Court in the case of ***HASANUJJAMAN AND OTHERS vs. STATE OF WEST BENGAL,*** in Special Leave to Appeal (Crl.) No.3221/2023, disposed on 04.05.2023, has granted regular bail to the

accused who was in custody for a period of one year four months, on the ground that to conclude the trial, the Trial Court may need sometime.

8. In the case of ***NITISH ADHIKARY ALIAS BAPAN vs. STATE OF WEST BENGAL,*** reported in ***2022 SCC OnLine SC 2068,*** the Hon'ble Supreme Court has granted bail to accused who was in custody for one year seven months for the reason that trial is at a preliminary stage and only one witness was examined as on the said date. In the case of ***CHITTA BISWAS ALIAS SUBHAS vs. STATE OF WEST BENGAL,*** reported in ***2020 SCC OnLine SC 1536***, accused who was in custody for a period of one year six months, has been granted regular bail by the Hon'ble Supreme Court, taking into consideration that out of ten witnesses cited in the charge sheet, only four witnesses were examined as on the said date. In the present case, 18 charge sheet witnesses are cited and not even a single charge sheet witness has been examined.

9. It is not in dispute that the petitioner has no other criminal case registered against him for the offence punishable

under the provisions of NDPS Act. The last criminal case registered against him was in the year 2018 invoking the offences punishable under the provisions of the POCSO Act. The material on record would go to show that the victim girl in the said case who was aged 17 years was in love with the petitioner and subsequently, he had married her. Petitioner who was tried in the said case by the Trial Court in S.C.No.785/2016, has been acquitted after the victim girl had completely turned hostile to the case of the prosecution in which father of the victim girl was the complainant.

10. Learned counsel for the petitioner has brought to the notice of this Court that out of the four cases which were registered against him earlier, he has been already acquitted in two cases and has produced the judgment of acquittal in the said cases. He has undertaken to abide by the conditions that may be imposed on him and also to cooperate before the trial Court for expeditious disposal of the case.

11. Considering the aforesaid aspects of the matter, I am of the opinion that prayer made by the petitioner for grant

of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

O R D E R

[I] The petition is ***allowed***.

[II] The petitioner is directed to be enlarged on bail in Spl.C.No.150/2025 pending before the Court of Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.29/2025, registered by Mangaluru East Police Station, registered for the offences punishable under Sections 8(c) and 22(C) of NDPS Act, subject to the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, out of which one shall be local surety.

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;

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) Petitioner shall surrender his passport before the trial Court which shall be subject to further orders from the said Court.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

CBC
List No.: 1 Sl No.: 23