HC-KAR

NC: 2026:KHC:61880
CRL.P No. 14026 of 2026

CNR: KAHC010626402026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14026 OF 2026

BETWEEN:

MR. MORESH LUIS MENDIS
S/O LATE LUIS MENDIS
AGED ABOUT 50 YEAR
RESIDING AT NO.470
1ST CROSS, 3RD MAIN
KANAKSHRI LAYOUT
BYRATHI, NEAR SLV APARTMENT
BENGALURU - 560 077.

...PETITIONER

(BY SRI L.P.E. REGO, ADV.,)

AND:

THE STATE OF KARNATAKA
BY INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
NO.8 (P) 2, 1ST BLOCK, 3RD MAIN
HBR LAYOUT, OPP BDA COMPLEX
KALYAN NAGAR POST, BENGALURU - 560 043
REPRESENTED BY STATE
PUBLIC PROSECUTORS, HIGH COURT
OF KARNATAKA, BENGALURU - 560 001.

...RESPONDENT

(BY SRI MADHU N RAO, SR. STANDING COUNSEL)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN DRI/BZU/S-IV/WNQ-28(INT-NIL)2026 DTD 31.07.2026, FOR THE OFFENCES P/U/S 8(c),27A,28,29 OF NDPS ACT, 1985, PENDING BEFORE THE XXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, NDPS, BENGALURU.

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

CNR: KAHC010626402026

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.6 in DRI/BZU/IV/ENQ-28/(INT-INL)/2026 registered by the Intelligence Officer of Directorate of Revenue Intelligence, Bengaluru, for the offences punishable under Sections 8(c), 27A, 28 & 29 of NDPS Act, 1985, 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. Based on credible information received, the Officers of DRI, Bengaluru Zonal Unit, on 27.07.2026 had conducted a search and raid in a hotel premises at Bengaluru and had apprehended accused nos.1 to 4 and from their possession, contraband article allegedly amphetamine totally weighing 894 grams was recovered and seized under a panchanama. Subsequently, they intercepted accused no.5 - Vijayakumar Krishnan Kutty and during the course of further investigation, 3,700 grams of amphetamine was recovered and seized under separate panchanama. It appears that accused no.5 had

received continuous phone calls and a person using mobile Phone No.+44 79202 27055 was repeatedly contacting him demanding payment of Rs.9 lakhs allegedly payable in connection with contraband article seized in the present case. The caller had informed accused no.5 that another person would be coming to collect the said amount in cash. It is under these circumstances, accused no.5 was taken to the specified location for handing over cash of Rs.9 lakhs and at about 00.15 hours on 30.07.2026, one unknown male person approached accused no.5 - Vijayakumar Krishnan Kutty for collecting payment and immediately thereafter, he was apprehended by the officers of DRI and he disclosed his name as Moresh Luis Mendis. It is under these circumstances, petitioner was arrested on 31.07.2026 and subsequently remanded to judicial custody. His bail application filed thereafter before the Trial Court in Crl. Misc. No.7868/2026 was rejected on 01.09.2026. Therefore, he is before this Court.

4. Learned Counsel for the petitioner having reiterated the grounds urged in the petition, submits that petitioner aged 50 years has no other criminal antecedents. He is a married man

having family. He has been carrying on the business of financial services and has a valid license for the same. He submits that the material on record would go to show that petitioner was not at all aware of the money which he was supposed to collect was in any way connected to illegal trafficking of drugs. No incriminating material has been collected against the petitioner except the whatsapp messages, wherein petitioner was instructed to collect money from accused no.5. Accordingly, he prays to allow the petition.

5. Per contra, learned Counsel for the respondent, who has filed statement of objections, has opposed the bail petition, contending that investigation of the case is still under progress. He submits that whatsapp messages which are recovered from the phone of the petitioner connects him to the alleged crime. Material collected during the course of investigation corroborates with the confession statement of the petitioner. Commercial quantity of contraband article has been seized in the present case and in view of Section 29 of the NDPS Act, petitioner's prayer for grant of regular bail, at this stage,

cannot be entertained. Accordingly, he prays to dismiss the petition.

6. According to the prosecution, after accused no.5 was apprehended and seizure of contraband article was made at his instance, they had noticed that accused no.5 was receiving continuous phone calls from a mobile phone bearing No.+44 79202 27055, which according to the prosecution, belongs to a lady who is identified as "Feedme Well Queen". Petitioner herein was allegedly instructed by the aforesaid lady for collecting the amount of Rs.9 lakhs from accused no.5 towards the price of the contraband article which allegedly was supplied to him by/through her. According to the prosecution, the aforesaid person using mobile phone bearing No.+44 79202 27055 had informed accused no.5 that money would collected by a person from a specified location on 30.07.2026 and it is under these circumstances, the officers of DRI had taken accused no.5 to the specified location, and thereafter, when the petitioner arrived at the said location for collecting money, he was apprehended.

7. Annexure-C appended to this petition is a copy of the Mahazar dated 29.07.2026 which would go to show that on 29.07.2026 itself, the officers of DRI had conducted a raid and search to the house premises of the petitioner bearing No.470, Raj Niwas, 1st Main, Kanakashree Layout, Byrathi, Bengaluru - 560 077. No incriminating material was found in the house of the petitioner. In the backdrop of the aforesaid raid conducted to the house premises of the petitioner on 29.07.2026, a serious doubt arises with regard to the case of the prosecution that on 30.07.2026, petitioner had arrived at the specified location as stated above for collecting the amount of Rs.9 lakhs from accused no.5 at the instance of the unknown caller from mobile phone bearing No.+44 79202 27055 and thereafter he was arrested.

8. Learned Counsel for the respondent, during the course of arguments, has produced certain whatsapp messages contending that the person using mobile phone bearing No.+44 79202 27055, had forwarded the messages to the petitioner to collect the amount from accused no.5 and inturn, petitioner also had contacted accused no.5 and forwarded messages to

him stating that he has instructions to collect the money for hawala transaction.

9. Voluntary statement of accused no.6 recorded in the present case, would reveal that he had clearly stated that the person using mobile phone bearing No.+44 79202 27055 had informed him that she was into the business of cosmetics and hair products. There is no such admission made by the petitioner in his confession statement that he was fully aware that the amount that was supposed to be collected by him and transferred at the instance of the person using mobile phone bearing No.+44 79202 27055 was in any way connected to the illegal trafficking of narcotic drugs. In the absence of any material to connect the petitioner even remotely to the alleged crime except the whatsapp messages wherein he was instructed to collect money from accused no.5 and transfer the same as instructed, it cannot be said that at this stage, there is prima facie material against the petitioner for the alleged crime.

10. Undisputedly, petitioner is carrying on the business of financial services and he has no other criminal antecedents. He has said to be a married man and his children are pursuing their education.

11. The Hon'ble Supreme Court in the case of **BHARAT CHAUDHARY VS UNION OF INDIA - (2021)20 SCC 50**, has observed that reliance on print outs of whatsapp messages downloaded from the mobile phone and devices seized from the office premises of the accused cannot be treated at this stage as sufficient material to establish a live link between the arrested accused and the other accused when even as per the prosecution, scientific reports in respect of the said devices was still awaited.

12. Even in the present case, except the whatsapp messages as aforesaid, there is absolutely no other material placed on record by the prosecution to connect the petitioner to the alleged crime. Further, as stated earlier, even in the search and raid that was conducted to the house premises of the petitioner

on 29.07.2026, nothing incriminating has been found and seized by the officers of DRI.

13. Petitioner is in custody in the present case for the last more than three months. Merely for the reason that contraband article seized from the other accused 1 to 4 is of commercial quantity, petitioner cannot be detained in custody when the prosecution has failed to produce any reliable material to connect the petitioner to the crime in question. Under the circumstances, I am of the opinion that petitioner's prayer for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following order:

14. The petition is allowed. The petitioner is directed to be enlarged on bail in DRI/BZU/IV/ENQ-28/(INT-INL)/2026 registered by the Intelligence Officer of Directorate of Revenue Intelligence, Bengaluru, for the offences punishable under Sections 8(c), 27A, 28 & 29 of NDPS Act, 1985, subject to the following conditions:

a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- 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;

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.

Sd/
(S VISHWAJITH SHETTY)
JUDGE

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