HC-KAR

NC: 2026:KHC:61225
CRL.P No. 14704 of 2026

CNR: KAHC010660242026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.14704 OF 2026

[482(Cr.P.C) / 528(BNSS)]

BETWEEN:

DHANUSH L.
S/O LOAKESH,
AGED ABOUT 23 YEARS,
RESIDING AT:123, 1ST MAIN, 17TH CROSS,
LAVAKUSHA NAGARA, LAGGERE,
YESHVANTAPURA-1, BANGALORE NORTH
BENGALURU CITY,
KARNATAKA - 560 058.

...PETITIONER

(BY SRI HANUMESH H. N., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KENGERI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SANTOSH KUMAR K D P C
S/O (NOT MENTIONED IN CHARGESHEET)
AGED ABOUT 32 YEARS,
RESIDING AT: KENGERI POLICE STATION,
KENGERI - 1, BENGALURU SOUTH,
BENGALURU CITY,
KARNATAKA - 560 060.

...RESPONDENTS

(BY SRI M.V. ANOOP KUMAR, ADDITIONAL STATE PUBLIC PROSECUTOR)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO SET ASIDE THE ORDER OF COGNIZANCE DATED 04.09.2026 PASSSED BY THE LEARNED VI ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AT BENGALURU, FOR THE OFFENCE PUNISHABLE UNDER SECTION 27(b) OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985, IN REGISTRATION OF CRIMINAL CASE NO.50126 OF 2026 AND CONSEQUENTLY, QUASH THE ENTIRE PROCEEDINGS PENDING THEREON.

THIS CRIMINAL PETITION IS 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 for the petitioner and the learned Additional State Public Prosecutor for the respondents.

2. Learned counsel for the petitioner submits that the petitioner has been charge-sheeted in Criminal Case No.50126/2026 pending before the VI Additional Chief Judicial Magistrate, Bengaluru, for the offence punishable under Section 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act of 1985').

3. It is submission that the lab test is conducted through a private Laboratory, which is not a notified Laboratory to conduct the test under the provisions of the Act of 1985.

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4. Learned counsel for the petitioner would submit that the entire proceeding gets vitiated as the case is based on the lab report and the report is furnished by the Laboratory, which is not authorised under the Act of 1985.

5. Learned Additional State Public Prosecutor does not dispute the fact that the Laboratory, which has furnished the report, is not the authorised or notified Laboratory under the Act of 1985.

6. Learned counsel for the petitioner, in support of his submission, would also place reliance on the judgments of the Co-ordinate Benches of this Court in Criminal Petition No.14323/2024 and Writ Petition No.31069/2024 and submits that the proceedings have to be quashed, as in the aforementioned judgments, the Courts have taken a view that the lab report submitted by the Laboratory, which is not notified under the Act of 1985, cannot be looked into.

7. Considering the submission, this Court is of the view that the entire case is based on the lab report and admittedly, the Laboratory, which has furnished the report, is not the

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RAMNATH HEGDE

authorised Laboratory. Hence, the petition is ***allowed***. The proceedings against the petitioner are quashed.

In view of the disposal of the petition, pending interlocutory application, if any, shall stand dismissed.

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(ANANT RAMANATH HEGDE)
JUDGE

KVK
List No.: 1 Sl No.: 52