HC-KAR
CNR: KAHC010670262026

NC: 2026:KHC:61532
CRL.P No. 14917 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14917 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

SRI. PRASHANTH B.M (A-1),
S/O. MAHADEVASWAMY,
AGED ABOUT 21 YEARS,
R/AT. NO.149,
DR. B.R. AMBEDKAR BHAVANA,
JAYAPURA HOBLI,
BETHAHALLI, KADAKOLLA,
KADAKOLLA,
MYSURU-571 311.

...PETITIONER

(BY SRI. SHIVANANDA REDDY R V., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY GOVINDARAJANAGAR POLICE,
REPTD.BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
DR.B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO RELEASE HIM ON BAIL IN

SPL.C.C.NO.1656/2026 (CRIME NO.57/2026 GOVINDARAJANAGAR POLICE BENGALURU) PENDING ON THE FILE OF THE HON'BLE XXXIII ADDL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE (NDPS) AT BENGALURU (CCH-33) FOR THE OFFENCE P/US/ 20(b)(ii)(B), 8(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.1 in Spl.C.No.1656/2026 pending before the Court of XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of crime No.57/2026 registered by Govindarajanagar Police Station, Bengaluru for the offences punishable under Sections 20(b)(ii)(B), 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) is before this Court in this petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.57/2026 was registered by Govindarajanagar Police Station, Bengaluru, for the offences punishable under Sections 20(b), 8(c) of NDPS Act against unknown person, based on first information dated 08.02.2026 received from Netaji-Police Constable attached to Govindarajanagar Police Station, Bengaluru. During the course of investigation of the said case, petitioner was arrested on 08.02.2026 and remanded to judicial custody. After completion of investigation, charge sheet is filed against two persons. Petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the Trial Court in Crl.Misc.No.8051/2026 was rejected on 28.08.2026. Therefore, petitioner is before this Court.

4. In the first information dated 08.02.2026, it is stated that on the said day, at about 5.10 p.m. the first informant had received credible information to the effect that one person who was holding a travel bag within the jurisdiction of Govindarajanagar Police Station was in possession of contraband article and he was trying to

hand over the same to the third party. Immediately thereafter the first informant and another police constable went to the alleged spot where accused was holding a travel bag and after verifying the correctness of the credible information, the first informant had returned to the police station, submitted the first information based on which the FIR was registered against unknown person and thereafter accused No.1 was apprehended and from his possession contraband article allegedly Ganja totally weighing 21 kgs 40 grams along with cloth cover was recovered and seized under a panchanama.

5. According to the prosecution, petitioner had brought the contraband article in his travel bag which he was holding at the instance of accused No.2 and he was waiting at the spot for the purpose of handing over the travel bag to the accused No.1. The seized contraband article was subsequently produced before the Court of jurisdictional Magistrate for compliance of the requirement of Section 52A of the NDPS Act. The certificate issued by the

learned Magistrate after the contraband article was weighed before him would reveal that the contraband article along with cloth cover totally weighed 20 kgs 250 grams and from the same 100 grams of contraband article was taken as sample and forwarded to the Forensic Science Laboratory.

6. As per the relevant notifications issued under the provisions of NDPS Act contraband article-Ganja weighing up to 20 kgs is considered as intermediate quantity and if it weighs above 20 kg, it is considered as commercial quantity. In the present case contraband article along with the cloth cover totally weighed 20 kgs 250 grams. Material on record would go to show that seized contraband article allegedly consisted of leaves, stems, seeds, flowers, etc. It is not in dispute that petitioner is not involved in any other criminal case. Accused No.2 has been granted regular bail before Trial Court. Since, contraband article-Ganja which was weighed along with cloth cover was only a little more than commercial quantity and since, there is no material

to show the actual weight of contraband article, the benefit of doubt should be extended to the petitioner. Therefore, the rigour under Section 37(1)(b) of the NDPS Act cannot be made strictly applicable as against the petitioner. Trial in the case is yet to commence. Therefore petitioner's prayer for grant of bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, following:

ORDER

(i) The criminal petition is ***allowed***. The petitioner is directed to be enlarged on bail in Spl.C.No.1656/2026 pending before the Court of XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.57/2026 of Govindarajanagar Police Station, Bengaluru, registered for the offences punishable under Sections 20(b)(ii)(B), 8(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, 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

SBN
List No.: 1 Sl No.: 51