HC-KAR

NC: 2026:KHC:61538
CRL.P No. 15218 of 2026

CNR: KAHC010675932026

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. 15218 OF 2026

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

BETWEEN:

SRI. RUSHAN ALI
S/O LATE MUKRAM ALI,
AGED ABOUT 28 YEARS,
R/AT ABOVE FINANCE OFFICE,
NEAR MUTHYALAMMA TEMPLE,
SETFINS ROAD, SHIVAJINAGAR,
BENGALURU-560 001.

...PETITIONER

(BY SRI. MANOJ S N., ADVOCATE)

AND:

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

STATE OF KARNATAKA
BY CCB POLICE, BENGALURU CITY,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO PASS AN ORDER GRANTING REGULAR

BAIL THEREBY DIRECTING THE RESPONDENT POLICE TO RELEASE THE PETITIONER/ACCUSED NO.2 IN SPL.CC.NO.2249/2025 ARISING OUT OF CR.NO.29/2025 REGISTERED BY CCB POLICE, BENGALURU CITY, FOR THE OFFENCES P/U/S 8(c),20(b)(ii)(A),20(b)(ii)(B),20(b)(ii)(C) OF NDPS ACT, 1985, PENDING BEFORE THE XXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE (NDPS) BENGALURU (CCH-33) AND ETC.

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.2 in Special C.C.No.2249/2025 pending before the Court of XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.29/2025, registered by CCB Police, Bengaluru for the offences punishable under Sections 8(c), 20(b)(ii)(A), 20(b)(ii)(B) and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act-(NDPS) Act, 1985 is before this Court in this successive

bail application filed under Section 483 of BNSS 2023 seeking the regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.29/2025 was registered by the CCB Police Bengaluru, for the offences punishable under Sections 8(c), 20(b)(ii)(A), 20(b)(ii)(B) and 20(b)(ii)(C) of NDPS Act against Kashif and the petitioner herein, based on the first information dated 21.04.2025 received from Manjappa C.A., Police Officer attached to CCB Police Bengaluru. In the said case, petitioner was arrested on 21.04.2025 and remanded to judicial custody. His bail application filed before the Trial Court was rejected. Therefore, he had earlier approached this Court in Criminal Petition No.2219/2026, which was dismissed as not pressed on 12.08.2026 with liberty to the petitioner to file a fresh bail application before the trial Court, after Special Case No.3/2025 pending before the Court of Principal District and Sessions Judge, Chikkaballapura is disposed of. Subsequently, petitioner had filed a fresh bail application before the Trial Court in Criminal

Miscellaneous No.8741/2026 which was rejected on 18.09.2026. Therefore, petitioner is before this Court.

4. Learned counsel for the petitioner submits that allegation against accused Nos.2 and 3 are similar in the charge sheet. Accused No.3 has been granted regular bail by this Court in Criminal Petition No.1382/2026 on 11.03.2026. Since the petitioner was involved in another case pending before the Court of Principal District and Sessions Judge, Chikkaballapur in Special Case No.3/2025, his earlier bail application was rejected with liberty to approach afresh after disposal of Special Case No.3/2025. Petitioner has been now acquitted in Special Case No.3/2025. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP who has opposed the petition, does not dispute the submission made by the learned counsel for petitioner.

6. The reading of the charge sheet allegation would reveal that accused Nos.2 and 3 were apprehended and from their possession contraband article-Ganja totally weighing

23 kgs 645 grams was recovered and seized under panchanama. During the course of investigation it appears that accused Nos.2 and 3 had stated that they had brought the contraband article at the instance of accused No.1 with whom they were indulged in the illegal business of selling contraband article to the public and it is under these circumstances charge sheet was filed against three persons. Accused No.3 as against whom similar allegations are found in the charge sheet has been granted regular bail by the Co-ordinate Bench of this Court in Criminal Petition No.1382/2026 on 11.03.2026. In the only other criminal case which was pending against the petitioner before the Court of Principal District and Sessions Judge in Special Case No.3/2025, he has been now acquitted. Under the circumstances, this Court is of the opinion that the prayer for grant of regular bail needs to be answered in the affirmative subject to appropriate conditions. Accordingly, following:

ORDER

The Criminal petition is ***allowed***. The petitioner is directed to be enlarged on bail in Spl.C.C.No.2249/2025 pending before the Court of XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.29/2025 of CCB Police, Bengaluru, registered for the offences punishable under Sections 8(c), 20(b)(ii)(A), 20(b)(ii)(B) and 20(b)(ii)(C) of NDPS Act, 1985 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.: 54