HC-KAR

NC: 2026:KHC:63553
CRL.P No. 15265 of 2026

CNR: KAHC010680032026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15265 OF 2026

BETWEEN:

SRI. AMJAD PASHA
S/O LATE PYARE JAN,
AGED ABOUT 47 YEARS,
R/AT NO. 360, 1ST MAIN ROAD,
CHAMRAJPET, BENGALURU - 560 018.

...PETITIONER

(BY SRI. KARTHIKKUMAR K, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY PEENYA POLICE STATION,
BENAGALURU CITY,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL AI K, HCGP FOR R1)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNSS) PRAYING TO ENLARGE THE PETITIONER / ACCUSED NO.2 ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST BY RESPONDENT PEENYA P.S. BENGALURU CITY IN CR.NO.270/2019 FOR THE OFFENCE P/U/S 20(b) OF NDPS ACT

1985 NOW PENDING AS SPL.C.NO.1014/2022 ON THE FILE OF THE LEARNED XXXIV ADDL.CITY CIVIL AND SESSIONS JUDGE AND SPL.JUDGE (NDPS) BENGALURU CCH-35 PENDING DISPOSAL OF THIS PETITION TO DIRECT THE RESPONDENT POLICE NOT TO ARREST THE PETITIONER / ACCUSED NO.2.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.2 in Special Case No.1014/2022 pending before the Court of XXXIV Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, arising out of Crime No.270/2019 registered by Peenya Police Station, Bengaluru for offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 ('the NDPS Act' for short), is before this Court in this petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.270/2019 was registered by Peenya Police Station, Bengaluru for the aforesaid offences against Prasad and the petitioner herein, based on the first information dated 20.08.2019 received from Raghu Prasad, Police Officer at Peenya Police Station. After completing investigation, charge sheet had been filed against two persons. Petitioner is arrayed as accused No.2 in the charge sheet. His bail application filed before the Trial Court under Section 438 of Cr.P.C. in Crl.Misc.No.8970/2026 was rejected on 21.09.2026. Therefore, the petitioner is before this Court.

4. It is the case of the prosecution that on 20.08.2019, when the first informant was in the police station, he had received credible information to the effect that two persons, who were near Parle-G factory with a scooter bearing registration number KA-02-JQ-7933, were in possession of contraband article and therefore, the raid was conducted to the aforesaid place, accused No.1 was apprehended and from his possession contraband article allegedly ganja weighing 12kgs was recovered and seized under the panchanama. Subsequently, apprehended accused was brought to the police

station and FIR was registered against 2 persons in which petitioner is arrayed as accused No.2. According to the prosecution, accused No.2 was also present along with accused No.1, when the raid was conducted, however accused No.2 managed to escape from the spot along with the aforesaid scooter and it is under these circumstances, he was also arrayed as an accused in the present case.

5. Undisputedly, the petitioner aged 47 years has no other criminal antecedents. Seizure of contraband article has been done in the present case, which was in the possession of accused No.1. It is not the case of the prosecution that petitioner was in possession of contraband articles separately other than the contraband article, which was seized from the possession of accused No.2. In the seizure mahazar, which was prepared at the spot where the accused No.1 was arrested and contraband article was seized from him, it is mentioned that the said mahazar was prepared between 02:45 p.m. to 03:45 p.m. on 20.08.2019. However, in the said document surprisingly, it is also mentioned that arrested accused was taken to the police station at 04:00 p.m. and thereafter, FIR

was registered. The aforesaid discrepancy raises a serious doubt with regard to the genuineness of the recovery mahazar prepared in the present case.

6. Under the circumstances, I am of the opinion that prayer made by the petitioner for grant of anticipatory bail needs to be answered affirmatively. Accordingly, the following:

ORDER

(i) The criminal petition is ***allowed***. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.270/2019 registered by Peenya Police Station, Bengaluru for the offences punishable under Section 20(b) of the NDPS Act, subject to the following conditions:

a) The Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

b) Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

c) Petitioner shall not tamper with the prosecution witnesses and he shall co-operate with the police for investigation and appear before them whenever called upon.

d) The petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

JY
List No.: 1 Sl No.: 63