HC-KAR

NC: 2026:KHC:63991
CRL.P No. 16125 of 2026
C/W CRL.P No. 15845 of 2026

CNR: KAHC010725892026

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. 16125 OF 2026
C/W

CRIMINAL PETITION NO. 15845 OF 2026

IN CRL.P No. 16125/2026:
BETWEEN:

1. MUSTHAFA SEEDIYABBA
SON OF SEEDIYABBA
AGED ABOUT 34 YEARS
RESIDING AT 6-21/2
BASTHIPADPU, NEAR GANESH BEEDI
WORKS, ULLAL, MANGALURU
D.K.DISTRICT- 575 020
IN J.C FROM 13.02.2026.

...PETITIONER

(BY SRI PUNITH C, ADV.)

AND:

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA BY
ULLALA POLICE STATION
D.K.DISTRICT, PIN CODE-571602
REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDING
BANGALORE-560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO GRANT REGULAR BAIL TO THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 8(c) AND 22(c) OF THE NDPS ACT, ALONG WITH SECTION 3(5) OF THE BNS, REGISTERED IN CRIME NO. 34/2026 OF ULLAL POLICE STATION, IN SPL. C. NO. 202/2026, PENDING ON THE FILE OF THE LEARNED PRINCIPAL

DISTRICT AND SESSIONS JUDGE AT D.K., MANGALURU, BY ALLOWING THIS PETITION.

IN CRL.P NO. 15845/2026:

BETWEEN:

1. MAYYADI
   S/O ABDULLA
   AGED ABOUT 36 YEARS
   R/ATNO.1-150/1, KOTEPURA D ROAD
   ULLAL TALUK, MANGALURU
   D.K DISTRICT - 575 020.

...PETITIONER

(BY SRI LETHIF B, ADV.)

AND:

1. THE STATE OF KARNATAKA
   BY ULLAL POLICE STATION
   D.K DISTRICT, REP. BY SPP
   HIGH COURT BUILDING
   BANGALORE-560001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO RELEASE HIM ON BAIL IN SPL.C.NO.202/2026 ARISING OUT OF CR.NO.34/2026 REGISTERED BY ULLALA P.S., MANGALURU DISTRICT, FOR THE OFFENCES P/U/S 8(c) AND 22(c) OF NDPS ACT, U/S 3(5) OF BNS, PENDING BEFORE THE PRL. DISTRICT AND SESSIONS COURT, D.K., MANGALURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused Nos.1 and 2 in Special Case No.202/2026 pending before the Court of Principal District and Sessions

Judge, D.K., Mangaluru, arising out of Crime No.34/2026 registered by Ullal Police Station for the offences punishable under Sections 8(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS 2023), are before this Court in these two petitions filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard learned counsel for the parties.

3. FIR in Crime No.34/2026 was registered by Ullal Police Station, Mangaluru, for the aforesaid offences against petitioners herein and another, based on first information dated 12.02.2026 received from Sharanappa Bhandary, Police Officer attached to CCB Police, Mangaluru. In the said case, petitioners herein were arrested on 12.02.2026 and remanded to judicial custody. Charge sheet is subsequently filed against three persons and petitioners are arrayed as accused Nos.1 and 2 in the charge sheet. Their bail application filed before Trial Court in Special Case No.202/2026 were rejected. Therefore, they are before this Court.

4. According to the prosecution, based on credible information received by the first informant, he had intercepted a car bearing registration No.KA-19/MQ-3420 and had apprehended three persons from the said car and from their possession, contraband article allegedly MDMA, totally weighing 118.13 grams was recovered and seized under panchanama.

5. Accused No.3 as against whom similar allegations are found in the charge sheet had approached this Court in Crl.P.No.15247/2026, which was allowed by this Court on 05.11.2026. In paragraph Nos.5 to 7 of the said order, it is observed as follows:-

> *"5. Material on record would go show that credible information was received by the first informant to the effect that persons traveling in the aforesaid car were in possession of contraband article and therefore in compliance of Section 42 of NDPS Act he ought to have reduced the said credible information in the prescribed register and forward the same to his higher officers before proceeding further to investigate the case. It is not in dispute that said requirement of law as provided under Section 42 of NDPS Act is not complied by*

the officer who had proceeded to seize the contraband article and arrest the accused persons. Therefore it is apparent that there is complete non-compliance of Section 42 of NDPS Act in the present case.

6. Learned counsel for the petitioner has also brought to the notice of this Court that seizure of the contraband article and arrest of the accused was done by the Police Officer attached to CCB Police and based on the first information submitted subsequently by the said officer, FIR was registered by Ullal Police Station for the aforesaid offences against the petitioner and others. However, in compliance of Section 57 of NDPS Act, report has been prepared and forwarded to the higher Officer by the Sub-Inspector of Police, Ullal, after registration of the FIR and not by the officer who has made the arrest and seizure.

7. Section 57 of NDPS Act mandates that any person who makes the arrest or seizure under the NDPS Act shall within 48 hours next after such arrest or seizure, shall make a full report of all the particulars of such arrest or seizure to his immediate official superior. Therefore the requirement of Section 57 of NDPS Act also has not

been complied in the present case by the prosecution. It is not in dispute that petitioner has no criminal antecedents. Since there is no compliance of Sections 42 and 57 of NDPS Act in the present case, rigour under Section 37(1)(b) of NDPS Act cannot be strictly made applicable to the case of the petitioner. Investigation is already completed and charge sheet is filed. Trial in the case is yet to commence. "

6. It is submitted by learned counsel for the petitioners that petitioners herein do not have any criminal antecedents. The reasoning assigned by this Court in Crl.P.No.15247/2026 while granting bail to accused No.3 is applicable to the case of the petitioners also. Accordingly, the following order:-

7. The petitions are allowed. The petitioners are directed to be enlarged on bail in Special Case No.202/2026 pending before the Court of Principal District and Sessions Judge, D.K., Mangaluru, arising out of Crime No.34/2026 registered by Ullal Police Station for the offences punishable under Sections 8(c), 22(c) of the NDPS Act and Section 3(5) of the BNS, 2023, subject to the following conditions:

a) Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN
List No.: 1 Sl No.: 83