



**IN THE COURT OF THE II ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI**

PRESENT

**SRI. GANGADHARA.K.N., B.A.,LLM.,
II ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI**

Dated this the 06th day of June, 2026

Crl.Misc.No.695/2026

1) Shri. Premanath @ Suraj Vittal Kundekar,
Age: 22 years, Occ: Pvt Service,
R/o: Mahadwar Road, 3rd cross, Belgaum.

.... Petitioner

(By Shri. R.G.Masekar, Advocate)

The State of Karnataka,
Rep. by Public Prosecutor,
Through Market P.S.

..Respondent

ORDER

The accused no. 3 in Market P. S. Crime No. 70/2026 registered for the offence punishable under Section 20(b) (ii) (B) of NDPS Act filed the present petition under Section 483 of BNS by seeking regular bail on the following grounds:

2. Petitioner's contention is that it is the PSI attached to the market P. S. on 07.04.2026 lodged the complaint by alleging that he got an intelligence stating that three persons by having ganja or making an attempt to sell near Old P. B. Road near

Bharathesh College in an open place. Accordingly, by following the procedure, he visited the spot in the presence of the panchas. He allegedly caught hold three persons, found 614 grams of ganja from the accused no. 1 and 294 gram of ganja from the accused no. 2 and 282 gram of ganja from the accused no. 3. In all, 1 kg 190 gram. Accordingly, he submitted the said complaint with station house officer to take action against all three persons and also two other persons who have sold the said ganja to the accused nos. 1 to 3. Thus, by receiving the said complaint, station house officer got registered the above said case.

3. But, now the petitioners approached this court by seeking regular bail on the grounds that, he is an innocent of the offence, he has been falsely implicated in this case. Absolutely there are no materials to connect the petitioner into the offence and moreover the quantity of ganja allegedly seized from the custody of the present petitioner is only a 282 gram which is a small quantity triable by the Magistrate. But with intent to enhance the gravity of the offence, the ganja allegedly seized from three persons are clubbed together and made it as the accused was also committed an offence punishable upto 10 years and one lakh fine. And petitioner contended that he is a 22-year young man. He hails from respectable family. Since from the first remand, he is in judicial custody. Thus, prays to grant the bail by imposing any condition for which he is ready to co-operate

with an investigation agency and also will ready to participate in the trial. Thus, prays to grant the bail.

4. The learned Public Prosecutor filed objections opposing the petition contending that the petitioner has committed the offence punishable upto 10 years and fine upto ₹ 1,00,000/- as he and two others were in possession of the intermediary weight of ganja. The investigation is under progress. If the petitioner is released on bail, he may going to commit similar offences as the offences against the society. At this stage, if the petitioner is released on bail, he may likely to commit similar offences. He may take the commission of such offences very lightly. He may not co-operate with an investigation agency. Thus, prays to dismiss the petition.

5. Heard the arguments of Learned counsel for the petitioner and also Learned PP.

6. Now the following point will arise for my consideration.

Does the petitioner made out the grounds to grant regular bail as sought in the petition?

7. My findings to the above noted point is in the Affirmative for the following;

REASONS

8. Firstly, the ganja allegedly seized from the custody of the petitioner is around 2.82 grams. But the IO has contented that it is three accused jointly together by having possession of more than 1 kg of ganja were making an attempt to sell the same. Thus, in this case Section 20B of NDPS has been invoked. Whether all three were together were making an attempt to sell, whether they were in possession of such ganja is the subject matter of trial. However, prima facie the material produced by the IO would clearly suggest connecting the present petitioner into the alleged offences. But, in this case the IO has arrested the petitioner and produced before this Court on 07.04.2026 and on 06.06.2026, 60 days has already been completed. If that aspect is considered, it appears IO has completed most of the investigation and even after production of accused before this court, he has not sought further custodial interrogation. Moreover, Though offences are non-bailable, they are not exclusively punishable with death or imprisonment for life. Though the objection raised by the learned P. P. is valid, appears to be genuine. But on that ground alone, the petitioner cannot be put in the jail for indefinite period. As the investigation appears to be completed, thus by imposing a stringent condition if the petitioner is admitted on regular bail, that meets the ends of

justice. In fact, the petitioner is also aged about 22 years. He appears to be a permanent resident in the address shown in cause title where he allegedly had both movable and immovable property. He claims that he hails from respectable family. If these aspects are considered, by imposing condition to secure his presence for the trial, if the petitioner is admitted to the regular bail, that meets the ends of justice. Thus, answer the point in the affirmative.

9. In the result, I pass the following:

ORDER

Petition filed by the petitioner under Section 483 of BNSS is hereby allowed.

The petitioner who is accused no. 3 in Market P. S. Crime No. 70/2026 registered for the offences punishable under Section 20(b)(ii) (B) of the NDPS Act is hereby enlarged on regular bail on condition to execute the self-bond of ₹1,00,000/- with two likesum surety with following conditions:

1) The petitioner shall not involve in any other criminal activities.

2) He shall appear before this court on all the dates of hearing.

3) He shall not cause threat or intimidation to the prosecution witnesses.

(Dictated directly on Adalat AI, corrected by me, then pronounced in the open Court, on this **06th day of June, 2026**)

(GANGADHARA.K.N.)
II Addl. Dist & Sessions Judge,
Belagavi.