



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 31st day of January , 2026

:PRESENT:

Smt. Rajeshwari N. Hegde, B.Com., LL.M.

Prl. District & Sessions Judge,
Chikkamagaluru.

Spl.C.No.07/2026

Complainant

State by Mudigere Police.

[Rep. by Public Prosecutor,
Chikkamagaluru]

Vs

Accused

Sudeepa S.
S/o Suresh M.
Aged 32 years, Mason,
R/o Shivajinagara,
Bilagula village,
Mudigere Taluk.

(Represented by Sri. HMS., Advocate)

ORDER ON BAIL APPLICATION FILED BY ACCUSED
Under section 483 of BNSS

This application is filed under Section 483 of BNSS by accused seeking regular bail for the offences punishable under sections 8(c), 20(a) (i) of the NDPS Act.

2. In the bail application, accused has contended that he is innocent, he has not committed any offences alleged against him; and he has been falsely implicated in the above case and there are no

reasonable grounds to believe that he has committed the alleged offences. The alleged offences are not punishable with death or imprisonment for life; that he is not an influential person who could tamper the prosecution witnesses, if released on bail; that he is having family members to look after, he is deep rooted in the society, as such there is no possibility of his absconding. He is in JC.; that charge sheet has already been filed in the matter and he is ready to offer surety for his release on bail and he undertakes to abide by the conditions that may be imposed by the Court. Hence, accused prayed to allow the application.

3. Learned Public Prosecutor filed objections narrating the facts of the prosecution case and further stated that the materials placed on record prima-facie establish the allegations leveled against the accused, if the accused is enlarged on bail, it would give wrong message to the society and there is every chance of his abscondance and commission of similar offences and also threatening and tampering the prosecution witnesses. Hence, prayed for rejection of bail petitions.

4. Heard both sides.

5. Perused the record.

6. Following point do arise for my consideration:

"Whether accused has made out grounds to enlarge him on bail ?"

7. My finding on the aforesaid point is in the Affirmative for the following:-

REASONS

8. Prosecution case in brief is that on 17.11.2025 at about 12.00 noon while he was on beat duty at Mudigere town, he received credible information that some one under intoxication is behaving abnormally at Bilagola bus stand, as such he proceeded to the spot and on enquiry it was revealed that the accused has cultivated ganja behind his house and after following due procedure, he conducted raid on the house of the accused and upon inspection they found the accused had planted five ganja plants measuring different heights grown, the same were uprooted and weighed, there were 3432 grams in total consists of ganja stem, roots, leaves and branches and the same were seized by them under the mahazar in the presence of panchas.

9. On the basis of aforesaid report, the complainant police registered case in Cr.No.202/2025 and took up investigation and the accused is in JC since the date of arrest.

10. The learned counsel for the accused submitted that there is no separation of ganja from the stems, leaves, branches and that entire ganja plants were weighed

and as such there is no seizure of ganja as defined under the NDPS Act and he has not at all committed the alleged offences, that he is ready to abide by the conditions that may be imposed by the court , investigation in the matter is already completed and charge sheet has also been file din the matter, as such he prays to release the accused on bail.

11. On the other hand, the learned PP argued that from the materials on record , it prima facie reveals that the accused has grown ganja plants without any licence or permit and if he is released on bail, he may commit similar offences and hence, prays to dismiss the application.

12. On perusal of the charge sheet and its enclosures it reveals that the Investigating Officer has completed the investigation and filed the charge sheet before the court. The accused is in the judicial custody since 18.11.2025. The IO has recovered the material objects under panchanama. Hence, the custodial interrogation of the accused may not be required. Earlier, the bail applications filed by the accused has been rejected by this court. The IO has apprehended the accused, seized material objects from the possession of the accused under panchanama, completed the investigation and filed the charge sheet. Thereafter, the accused again moved the present bail application U/s.483 BNSS, to grant regular bail after filing the charge sheet by the Investigating Officer.

Considering the changed circumstances and on perusal of the charge sheet and its enclosures this Court has considered view that custodial interrogation of the accused may not required further. There are no criminal antecedents against the accused. However, in view of the facts and circumstances of the case, the alleged offences are not punishable with death sentence nor life imprisonment. The accused is the permanent residents of the address mentioned in the cause title having movable and immovable properties and his presence can be secured during the trial. The apprehension of the learned Public Prosecutor could be safeguarded by imposing stringent conditions. Under such circumstances, this Court is of the opinion that the accused is entitled for regular bail. Accordingly, the above point is answered in the affirmative, and proceed to pass the following;

ORDER

Application filed by the accused under section 483 of BNSS is allowed.

Accused is ordered to be released on bail, on executing his personal bond in a sum of Rs.1,00,000/- (Rupees one lakh only) along with two sureties for the like sum to the satisfaction of this Court on the following conditions:

1. Accused shall not hold out threats to the prosecution witnesses or lure them in any manner.

2. He shall not tamper any prosecution witnesses.
3. He shall not involve in any criminal activities.
4. Himself and his sureties shall furnish their identity proof.
5. He shall attend the Court on all the dates of hearing without fail.
6. He shall not leave the jurisdiction without prior permission of the jurisdictional police.

If the accused violates any of the conditions, the prosecution is at liberty to seek cancellation of bail.

(Typed to my dictation by Stenographer Grade-I directly on the computer, corrected, signed and then pronounced by me in the open Court on this the 31st day of January, 2026).

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(RAJESHWARI N. HEGDE)
Principal District & Sessions Judge,
Chikkamagaluru.

*mvp/-