

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

Dated this the 31st day of July, 2025

:PRESENT:

Smt. Rajeshwari N. Hegde, B.Com., LL.M.
Pr. District & Sessions Judge and
Special Judge, Chikkamagaluru.

Special Case No.69/2025

Complainant	State by Rural Police Station, Chikkamagaluru. [Rep. by Public Prosecutor, Chikkamagaluru] V/s
Accused	A1. Jahijal Hoque, S/o Abed Ali, aged 55 years, Coolie, R/o Punia No.01, Sub Dis – Mangaldol, Dis- darrang, Darrang, Assam. Represented by Sri.P.E.Suresh, Advocate)

**ORDERS ON BAIL APPLICATION FILED BY
ACCUSED No.1**

Accused No.1 has filed bail application under section 483 of BNSS praying to enlarge him on bail in Cr.No.168/2025 (Spl.Case No.69/2025) registered by the complainant-Police for the offence punishable under section 20[b][ii][B] of the NDPS Act, 1985.

2. Accused No.1 has contended that he has not committed any offence alleged against him and he is innocent of the same. At the time of arrest of accused No.1, the I.O. has not complied the guidelines of Hon'ble Supreme Court. As per the guidelines of Hon'ble Supreme Court in the case of Vihan Kumar V/s State of Haryana, grounds of arrest should be given to the accused in a language which he knows. The allegations made against accused No.1 are all false and incorrect. Accused No.1 hails from a respectable family and he is deep rooted in the society. Accused No.1 is not involved in the said offence. Accused No.1 is having family members to look after. He is ready to abide by any conditions that may be imposed by the Court, he is ready to furnish surety for his due appearance before the court, he is ready to appear before the court on all the dates of hearing, he will not tamper or threaten the prosecution witnesses. Hence, prayed for enlarging him on bail.

3. The learned Public Prosecutor has filed detailed objections by reiterating the facts of the complaint, she further stated that there is prima-facie material against accused No.1. The accused No.1 is involved in anti-social activities, it destroys the economic status of the nation. If he is enlarged

on bail, there is every chance of his abscondance and commission of similar offences and also threatening and tampering the prosecution witnesses. Hence, prays for dismissal of bail application.

4. Heard both sides and perused the record.

5. Following point do arise for my consideration:

“Whether the accused No.1 has made out grounds to enlarge him on bail ?”

6. My findings on the aforesaid point is in the negative for the following:

REASONS

7. Brief facts of the prosecution case are that:-

The complainant, Raghunath S.V., PSI., Rural Police Station, Chikkamagaluru has lodged a complaint alleging that on 22.05.2025 at about 4.00 p.m. when he was in the Police Station, he received a credible information regarding the sale of ganja by somebody beneath the May Flower Tree by the side of road of Vajapayee extension of Shanthinagara village, Chikkamagaluru Taluk. After following the procedure laid down under law, the complainant and his staff rushed to the spot at about 4.45 p.m. and raided on him. Accused No.1 was apprehended. On enquiry, accused No.1 disclosed his name and particular. On search, they found dried ganja stem, flower, bud

and seed weighing 2 kgs 605 grams. Accused No.1 further disclosed that he purchased the ganja from accused No.2. Same was seized by drawing seizure mahazar in the presence of panchas. Based on the report, case has been registered against the accused Nos.1 and 2. Accused No.1 has been produced before the court and he has been remanded to J.C. Hence, the complaint.

8. The learned counsel for accused No.1 argued that he has not not at all committed any offence alleged against him and he is innocent. The Complainant Police have registered false case against him, the I.O. has not complied with the guidelines of Hon'ble Supreme Court in the case of Vihan Kumar V/s State of Haryana. Accused No.1 is in judicial custody, he is ready and willing to abide by any of the conditions that may be imposed by the Court and hence, argued that he may be enlarged on bail.

9. Per contra, the learned PP argued that when the IO has conducted raid at the spot, it is found that accused No.1 was in illegal possession of ganja in order to sell the same to the public for his wrongful gain. Though the accused No.1 knew that selling of ganja is injuries to health, he is selling ganja to the public. Selling of ganja by the accused No.1 is anti-social activities and it is peril to the

society and if he is granted bail, there is every chance of he repeating the similar offences and also threatening and tampering the prosecution witnesses. Hence, prays for dismissal of bail application.

10. On perusal of the record, it reveals that the accused No.1 is in judicial custody, he was in illegal possession of ganja for selling the same to the public for his wrongful gain. Based on the said information, IO has conducted raid at the spot, he apprehended the accused No.1 and seized the ganja weighing 2 kgs 605 grams. The IO has arrested the accused No.1 and produced before the court. Now he is in judicial custody. The IO has followed the guidelines of the Hon'ble Supreme Court while arresting accused No.1, which depicted in Form-VI(a) of arrest notice and other documents filed along with the charge-sheet. On perusal of the contents of spot panchanama, it clearly reveals that accused No.1 is having illegal possession of ganja for selling the same to the public, he purchased the ganja from accused No.2. Hence, there is clear overt acts attributed against the accused No.1 in commission of the alleged offences.

11. In the present facts and circumstances of case, taking into consideration of alleged illegal possession of ganja weighing about 2 kgs 605 grams and there are sufficient materials against him for

having involved in commission of the alleged offence, he is from Assam State, if the accused No.1 is released on bail, there is every chances of he repeating the similar offences, the act of accused No.1 is anti-social activities, if he sells the ganja to the public, it would affect on the young youth. Hence, under the facts and circumstances of the case, if the accused No.1 is released on bail, the apprehension of the prosecution that he may abscond and repeat the offence can not be ruled out and at this stage, it is not a fit case to exercise the powers under section 483 of BNSS to grant bail.

12. Looking to the nature and seriousness of the offence and the conduct of the accused No.1, I do not find any reason to entertain the present bail application. Therefore, at this stage, the accused No.1 is not entitled for grant of bail.

Observations made while disposing this petition cannot be taken into consideration while disposing the case on merits. Accordingly, I answer the above point in the negative and proceed to pass the following:-

ORDER

The application filed by the accused No.1 under section 483 of BNSS seeking for regular bail in Crime No.168/2025

registered by Rural Police Station, Chikkamagaluru, for the offence punishable under section 20[b][ii][B] of N.D.P.S. Act is rejected.

(Typed to my dictation by Stenographer Grade-III directly on the computer, corrected, signed and then pronounced by me in the open Court on this the 31st day of July, 2025)

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(Rajeshwari N. Hegde),
Prl. District & Sessions Judge
and Special Judge, Chikkamagaluru.

KTP