

KADK010023942026



**In the Court of Principal District and Sessions
Judge, D.K., Mangaluru.**

-:Present:-

Sri Basavaraj, B.Com., LL.M.,
Principal District and Sessions Judge

Dated this the 12th day of June, 2026.

Spl.C. No.110/2026

Complainant: The State,
By Kavoor Police Station,
Rep. by Public Prosecutor,
D.K. District.

(By Learned Public Prosecutor)

Versus

Accused: Himanish,
Aged 38 years,
S/o. Praveen Kumar,
R/at Shankar Nilaya,
Vivekananda Nagar,
2nd Cross, Kodikal,
Mangalore,
D.K. District.

(Sri. Venu Kumar, Advocate)

i	Provision under which the applications are filed	U/S.483 of B.N.S.S. 2023
ii	Relief sought for	Regular bail.
iii	The date on which the application	04.06.2026.

	is filed	
iv	Number of the application	Fourth
v	The date on which the objections are filed by different opponents	08.06.2026.
vi	The date on which the orders were passed on the said application	12.06.2026.

ORDER

This is the second bail application filed by the accused u/Sec. 483 of B.N.S.S., 2023 for grant of regular bail in Spl. Case No.110/2026 (Kavoor P.S. Crime No.38/2026) registered for the offence punishable u/s 8(c), 22(b) & 27(b) of the NDPS Act. The earlier bail application filed by the accused was rejected during crime stage on 27.04.2026.

2. Learned Public Prosecutor filed objections to the bail application along with report of Investigating Officer.

3. Heard and perused the records.

4. The points that would arise for consideration are as under:

1) Whether the accused is entitle for grant of regular bail?

2) What Order?

5. My finding to the above points are as follows:

Point No.1 : In the Affirmative,

Point No.2 : As per final order, for the following:

REASONS

6. **Point No.1**: The charge sheet reveals that on 26.02.2026 at 3.10 p.m. on the basis of information, the CW-1 along with CW-4 to 10 came to Kudru, Padushedde Village of Mangaluru Taluk and found accused No.1 waiting for someone by holding a black colour bag and he was apprehended by the police officials, when he tried to run away and seized 12.12 grams of Methamphetamine from his bag, mobile phone, digital scale, 15-small zip lock plastic covers, 1-hand bag. Hence, the accused has committed the offence punishable u/Sec. 8(c), 22(b) & 27(b) of the NDPS Act.

7. As stated above, the first bail application filed by the accused was rejected on 10.04.2026. Hence, the accused is in judicial custody.

8. Now the accused has come up with this second bail application seeking regular bail.

9. In the application the accused No.1 stated that the earlier bail application filed by him was rejected on the ground investigation is yet to be completed. Now the investigation is completed and charge sheet is also filed and the seized contraband comes under intermediary quantity.

Hence, the custodial detention or custodial interrogation is not necessary. He is the permanent resident of the above mentioned address and he is ready to offer surety for his release on bail. So prays to allow the application.

10. Learned Public Prosecutor has resisted the application by filing objections contending that there are reasonable grounds to believe that the accused has committed alleged offences. The police have seized commercial quantity of contraband, mobile phone, digital scale, empty zip lock plastic covers, hand bag and other properties from the possession of accused in the presence of panchas and reported the same to the court. The contraband seized from the possession of accused is turned out to be Methamphetamine as per FSL Report. Apart from this case, four more criminal cases are pending against the accused No.1. So, prays to reject the application.

11. As stated above, it is the case of the prosecution that, the police alleged to have seized contraband MDMA weighing 12.12 grams from the possession of accused, which later turned out to be Methamphetamine as per FSL Report.

12. As per Central Government notification up to 2 gram of Methamphetamine is small quantity and 50 gram and above quantity of Methamphetamine is commercial quantity. In this case the seized total quantity of

Methamphetamine is of intermediate quantity. Hence, the rigor of Sec.37(1)(b)(ii) of NDPS Act is not applicable to the case on hand. The accused claims that the MDMA turned out to be Methamphetamine is the change of circumstances for grant of bail to him. So this is the change of circumstances to grant bail to the accused.

13. As already the police have seized the contraband from the possession of the accused. Hence the accused is not required for custodial interrogation and charge sheet has been filed in this case. The accused is the permanent resident in the given address. Hence, the presence of the accused for the purpose of trial can be secured. The apprehension of prosecution about tampering of witnesses, further absconding of accused flee from justice and coming in the way of investigation can be safeguarded by imposing conditions. The accused is ready to abide by the conditions that may be imposed on him. Having regard to the facts and circumstances of the case, this court feels it just and proper to grant bail to the accused. Hence, for these reasons, this Court answered Point No.1 in the Affirmative.

14. **Point No.2:** In view of reasons and finding given on Point No.1, this Court proceeds to pass the following:

ORDER

The bail application filed by the accused - Himanish u/Sec. 483 of B.N.S.S. is allowed.

The accused is released on bail in this case, on execution of personal bond of Rs.1,00,000/- with a surety for the like-sum, subject to the following conditions:

- 1) He shall not commit similar offence.
- 2) He shall not abscond.
- 3) He shall not tamper the prosecution witnesses by exercising threats, inducements or otherwise.
- 4) He shall not destroy the prosecution evidence.
- 5) He shall appear before the court regularly on all dates of hearing except his presence is exempted.
- 6) He shall surrender his passport within one week from the date of their release. If he did not possess the same, he has to file an affidavit to that effect on next day of his release.
- 7) He shall produce address proof document such as Voters ID or Aadhaar Card pertaining to him and his surety at the time of executing bail bonds.

- 8) He shall furnish his residential address and shall inform the court, if there is change in the address.
- 9) He shall furnish his mobile number, WhatsApp number and e-mail ID (if available).

(Dictated to the Stenographer Grade-III, typed by her directly on computer, corrected and signed by me and then pronounced in the open court on this the 12th day of June, 2026).

(Basavaraj)

Principal District & Sessions Judge,
D.K., Mangaluru.