

KAHS010025222026



Presented on : 16-03-2026
Registered on : 16-03-2026
Decided on : 01-04-2026
Duration : 17 days

IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, HASSAN.

Dated this the 2nd day of April 2026

PRESENT

Smt. Hemavathi, BBM. LL.B.
Principal District & Sessions Judge,
Hassan.

Crl.Misc. No.258/2026

Petitioner:

Y.C. Kiran,
S/o Channegowda,
Aged about 24 years,
R/at Yaliyuru Village,
Dandiganahalli Hobli,
Channrayapatna Taluk,
Hassan District.

(Represented by Sri.Chandrashekara K. Advocate)

Vs.

Respondents:

The State by Excise Police Hassan
(Represented by the learned Prosecutor)

ORDER

This bail application is filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for an order to release him on anticipatory bail in the event of his arrest in Crime No.26/2025-26 registered for the offences punishable under Sections 20(b), 20(b)(ii)(B), 25, 27(b), 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The brief facts of the case are that,

(a) The complainant Police have registered the case in Crime No.26/2025-26 alleging that on 05.11.2025 when the complainant was on patrolling the duty at Santhepete Circle, he received phone message. Accordingly, he went near Government Nursery, Near Swami Vivekananda Circle, Housing Board Colony and was on patrolling duty at about 8.00 p.m. one Auto bearing No.KA-13-D-5021 came. When they stopped the said Auto and searched they found one bag consisting dry Ganja leaves and seed weighing about 2.900

k.g. behind the back seat of the said Auto and on enquiry they stated their name as M.Suresh S/o Mallegowda, Uppalli Village, and Y.C.Kiran Kumar S/o Channegowda Yaliuru Village. They said that they have no license to possess the same. So, it was seized along with vehicle brought to the Police Station.

(b) It is further stated that based on the false complaint, false case has been registered against him. He had not committed any offence. The averments in the complaint are concocted story. Accused No.1 is already on bail granted by this court. He is youngster having bright future. He belongs to respected family and innocent person. He is ready to abide by any conditions that imposes by this court for his release on bail and also co-operate for the fair investigation. The Police may arrest him at any time. There is apprehension of the arrest by the Police. He hails from respectable family. If he is arrested his name and fame will be spoiled. Hence, prayed to release him on bail.

3. The learned Public Prosecutor has filed objections stating that the petition is not maintainable either in law or on facts and the prima facie materials has been collected by the IO with respect to the offence alleged against this petitioner. Investigation is going on. The petitioner is yet to be arrested. If he is released on bail he may indulge in the similar offence and tamper the prosecution witness and hamper the fair investigation. Hence, prayed to dismiss the petition with costs.

4. Heard both sides.

5. The points that would arise for my consideration are:

- 1) *Whether the petitioner has made out sufficient ground for enlarging him on bail?*
- 2) *What order?*

6. My answer to the above points are:

Point No.1: Negative,

Point No.2: As per final order

For the following:

REASONS

7. **POINT No.1**: The offence alleged against the petitioner punishable under Sections 20(b), 20(b)(ii)(B), 25, 27(b), 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985. It is neither punishable with death nor imprisonment for life. The allegation against this petitioner that he along with one Suresh S/o Mallegoweda were transporting Ganja in Auto bearing No.KA-13-D-5021 and they were caught hold redhandedly.

8. In the petition it is not stated when this petitioner and another accused Suresh were caught hold redhandedly. They were taken into custody by the Police. How he escaped from their custody and why kept quite all these days. The report of the IO submitted along with the objection reveals that after seizure of said ganja along with the Auto and apprehension of the accused they were brought to the Police Station and after following the procedure when the Police were about taking him to produce before the court he escaped from the custody

of the Police. This fact has been suppressed by this petitioner. The offence alleged against him is heinous in nature though not punishable with death or imprisonment for life. Because this type of the offence is not only spoiling the particular person, but also the entire healthy society. If, this type of the offences are continued healthy society will not survive, youngsters are being astrayed because of this type of offences. Further when he is escaped from the custody of the Police while he was taking to produce before the court in this case. I opine that he is not entitled for bail. It is stated in the IO report that he is also the accused in Crime No.260/2025 of K.R.Puram Extension Police Station and Crime No.24/2024 of Channarayapattna Rural Police Station and Crime No.34/2024 of Excise Police Station. For that IO has produced the FIR of respective cases. So, it proves that he is habitual offender. If he is released on bail he may abscond and tamper the prosecution witness and also indulge in similar offences. When he had obstructed the Police official to discharge their duty, by escaping from their custody it is to be viewed seriously.

9. Considering all these facts, I hold that he is not entitled to be released on bail. Hence, I answered the point No.1 in the negative.

10. **POINT No.2:** From the discussion made herein above, I proceed to pass the following:

ORDER

The bail petition filed by the petitioner is hereby rejected.

*(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in Open Court on this **the 2nd day of April 2026**)*

(Hemavathi)
Principal District & Sessions Judge,
Hassan.