

COMMON ORDER ON B.A., OF A-1 AND A-2.

Accused No.1 and 2 of Crime No.27/2025 of Haveri CEN Police Station, Haveri for the offences punishable under Section 20(b)(ii)(b) R/w Section 8 of NDPS Act, 1985 have filed two separate applications under Section 483 of BNSS, 2023 for bail.

2. Above said case was registered against accused No.1 and 2 for the said offences on the basis of an information dated 27.03.2025 furnished by a police inspector. Matter was investigated and charge sheet was filed against the accused No.1 and 2.

3. During the course of investigation, police have arrested the accused No.1 and 2 on 27.03.2025. Said accused filed bail applications and they are rejected at the stage of investigation and they are in judicial custody. Hence, these applications.

4. Learned Public Prosecutor filed objection.

5. Heard both the sides and perused the records, thereafter following points arise for determination:

1. Whether the accused No.1 and 2 are entitled to bail?
2. What order?
6. My findings to the above points are as under:

Point No.1 In the affirmative.

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

REASONS

7. **Point No.1:** Brief facts of the prosecution case are that, on 27.03.2025 at 1.15 pm., under a tamarind tree by the side of P.B.Road, near Ajayanna Gadduge, accused Nos.1 and 2 were in possession of 2.250 + 2.258 + 2.236 grams of ganja worth Rs.60,000/- in violation of provisions of NDPS Act, thereby committed the alleged offences.

8. Other facts are that, on 27.03.2025, at 12.00 pm, Police Inspector, CEN Crime Police Station, Haveri received a credible message that, two persons having ganja in their possession for sale are present in the said place. He prepared and conducted a raid in accordance with law and found said persons with above said

incriminating articles and drawn a seizure mahazar, returned to police station and submitted a report. Thereafter, case was registered, investigated and charge sheet is filed.

9. During the course of investigation, police have arrested the accused No.1 and 2 on 27.03.2025. Said accused filed bail applications and they are rejected at the stage of investigation and they are in judicial custody. Hence, these applications on the following grounds:

Petitioners accused No.1 and 2 are innocent and committed no offences but falsely implicated, they are sole bread earning members of their family and having movable and immovable properties, responsibility to maintain dependents, ready and willing to abide by the terms and conditions and furnish surety. Alleged offences are not punishable with death or imprisonment for life. Accordingly, it is prayed to allow the petition.

10. According to prosecution, offences committed by the accused are heinous and punishable with imprisonment upto 10 years and fine, investigation is not yet completed, grounds made out are not acceptable, accused may threaten the witnesses, tamper with the evidence and abscond. Accordingly, it is prayed to reject the application.

11. FIR was submitted to this special court and records are available.

12. Learned counsel for accused No.1 has produced copy of CrI.Petition No.101859/2025 C/W CrI.Petition No.101685/2025 dated:08.05.2025 of Hon'ble High Court of Karnataka Bench at Dharwad.

13. Investigation is completed. Alleged offences are not punishable with death or imprisonment for life. No previous conviction of accused is proved. Accused may be prevented from causing threat to the witnesses, tampering the evidence and hampering the prosecution case by imposing conditions. In a similar case in

Crl.Pet.No.101803/2025 Purqan & another Vs. State of Karnataka by Adur P.S on the file of Hon'ble High Court of Karnataka, Dharwad having DD 20.05.2025, our own High Court granted bail. Hence, accused No.1 and 2 are entitled to the bail. Accordingly point No.1 is answered in the affirmative.

14. **Point No.2:** In view of my findings on point No.1, I proceed to pass the following:

ORDER

Applications under Section 483 of BNSS, 2023 filed by accused No.1 and 2 of Crime No.27/2025 of Haveri CEN Police Station, Haveri for the offences punishable under Section 20(b)(ii)(b) R/w Section 8 of NDPS Act, 1985 are allowed and accused No.1 and 2 are granted bail subject to execution of personal bond for Rs.1,00,000/- each with a surety for like sum with following conditions:

- 1.They shall appear before the Court regularly.
- 2.They shall not commit offence similar to the offence of which they are accused or any other offence.

- 3.They shall not directly or indirectly make any inducement or threat to any person acquainted with the facts of the case.
- 4.They shall not leave India till disposal of the case without prior permission of Trial Court and
- 5.They shall furnish all available address and ID proof documents.

(Dictated to the Stenographer Grade-I, transcribed by her, revised and corrected by me, signed and then pronounced in the Open Court on this the 25th day of April -2025.)

(Biradar Devindrappa N)
Prl. District and Sessions Judge,
Haveri.