

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

DATED THIS THE 9TH DAY OF JANUARY 2026

PRESENT

SHRI V.M. ANANDASHETTI
SPECIAL JUDGE AND PRINCIPAL DISTRICT & SESSIONS
JUDGE, KOLAR

SPL.C(N.D.P.S./49/2025

COMPLAINANT: State of Karnataka represented by
SHO, Gulpet Police Station, Kolar.

(Reptd., by Sri.**Madhav Padmanabh Gaonkar**,
Public Prosecutor)

VERSUS

ACCUSED : 1. Nijamuddin @ Nijam & others.

APPLICANTS : 1. Mohammad Azad @ Azad
& others.
(Accused Nos.3 to 10)

(Reptd. by Sri. **S.M.C.**,
Advocate)

**ORDERS ON BAIL APPLICATION OF ACCUSED NOS.3
TO 10**

The accused Nos.3 to 10 have filed this bail application under Section 483 of BNSS praying to release them on bail in this case.

2. The learned Public Prosecutor has filed objections.

3. Since the bail application is moved in original case itself the facts are not reiterated in detail, suffice it to state that according to the prosecution the petitioners were found possessing 20.580 kg., of Ganja in a jeep on 18.09.2025 at about 03:45 p.m. in Tamaka Industrial area. Since then they are in judicial custody.

4. The bail applications moved by them during investigation are rejected. After investigation this is the first bail application filed by them.

5. Heard.

6. The learned counsel for the accused Nos.3 to 10 submitted that the applicants/accused Nos.3 to 10 are innocent and have been falsely implicated. The vehicle was already in the police station on 16.09.2025. However, it is shown as used by the accused and the accused are falsely implicated. With regard to it a complaint is filed against the police officials before the Higher Authorities. He further submitted that the weight of Ganja projected by the prosecution is inclusive of the packing. According to prosecution the total quantity of Ganja seized is 20.580 kg. It is marginally above the commercial quantity. In such case the Hon'ble High Court of Delhi has released the petitioner on bail in case of **Vinay Sharma Vs. State Govt. of NCT of Delhi (Bail Application No.1626/2025, dated 01.08.2025)**. He further submitted that if the weight of container is excluded, then the quantity would fall within

the intermediate quantity. There is nothing on record to show the petitioners having similar criminal antecedents. The custody of petitioners is not necessary for investigation purpose. Thus, he prayed to release the accused Nos.3 to 10 on bail.

7. Opposing the bail application the learned Public Prosecutor submitted that the quantity of Ganja is 20.580 kg. At this stage the packing and the commodity cannot be segregated. The quantity seized is commercial quantity and hence, rigor under Section 37 of NDPS Act is attracted. The applicants have not made out any grounds to show that there is no prima-facie case against them. The removal of seats in the jeep to accommodate all the accused persons would show their complicity in the crime. Mere filing of charge sheet is no change in circumstance. The complaint to higher authorities is after thought by accused No.12, as it is subsequent to registration of this case. Thus, he submits that the bail application may be rejected.

8. Perused the charge sheet and documents produced along with it. According to prosecution on 18.09.2025 from the possession of these applicants 20.580 kg., of Ganja is seized from the car in which all these applicants were said to be present. The photographs produced along with the charge sheet would disclose that the weight of Ganja at 20.580 kg., is inclusive of weight of

the package. As rightly submitted by the counsel for the applicants the weight is marginally more than threshold for commercial quantity. If the weight of package is excluded, then the net weight of Ganja is likely to fall in the intermediate quantity. In this regard I follow the decision of Hon'ble High Court of Delhi mentioned supra, referred to by the counsel for the applicants. Hence, the rigor under Section 37 of NDPS Act is not attracted to the facts of the case.

9. The context in which the applicants have come to Kolar, as revealed from the charge sheet papers, if taken into account, it appears that they have no criminal history of being involved in trafficking the contraband. Such is not the case of prosecution also. According to prosecution the accused No.1 gave them the seized Ganja and asked them to sell it.

10. The applicants are in custody since 18.09.2025. It is not the case of prosecution that their custody is necessary for any investigation purpose. The applicants could well defend themselves when they are on bail, than they are in custody. Hence, I am of the opinion that in the facts and circumstances of the case discretion could be exercised in favour of the applicants. The apprehension of prosecution could be addressed by imposing conditions. Hence, I proceed to pass the following:

ORDER

The bail application is allowed.

The applicants/accused Nos.3 to 10 are released on bail in this case, subject to following conditions;

1. They shall execute personal bond and offer two sureties for Rs.1,00,000/- each.
2. They shall appear before the Court regularly and shall not tamper with prosecution case.
3. They shall not commit similar offence.
4. They shall produce documents in proof of properties belonging to their family and also documents proving their permanent address and residential address.

(Dictated to the Stenographer, transcribed and computerized by him, revised, corrected and then pronounced by me in the open Court on this the 9TH DAY OF JANUARY 2026)

(V.M. ANANDASHETTI)
PRL. DISTRICT & SESSIONS JUDGE, KOLAR.

Vsr./-*