

KATK010042842026



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TUMAKURU.**

Present:

Sri Jayantha Kumar, B.A.LAW., LL.M.,
Prl. District & Sessions Judge,
Tumakuru.

Dated this the 16th day of July, 2026

Criminal Miscellaneous No.1017/2026

**Petitioner/
Accused** : Shreedhar.G.K. S/o. Kempaiah, Aged
about 46 years, R/at Banashankari
Nagara, Saslu Post, Shettikere Hobli,
Chikkanayakanahalli Taluk, Tuma-
kuru District.

**(By Sri. Gurunanjegowda.H.M.,
Advocate)**

-V/s.-

Respondent : State by Chikkanayakanahalli P.S.,
Chikkanayakanahalli Circle, Tuma-
kuru District.

**(By learned Public Prosecutor,
Tumakuru)**

ORDERS

This petition is filed by the petitioner/accused, under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita,



2023 ('BNSS' for short), seeking regular bail in Crime No.114/2026 of Chikkanayakanahalli P.S., for the offence punishable U/Secs.20(a) of N.D.P.S. Act, 1985.

2. In the petition, the petitioner/accused contended that he is innocent of the offence alleged, he has not committed any offence as alleged in the complaint, he is a law abiding citizen and respectable member of the society with no prior criminal records or history of involving in any illegal activities, the alleged seizure of 8 small ganja plants comes under the definition of small quantity as per N.D.P.S. Act and hence, the stringent bar U/Sec.37 of the N.D.P.S. Act does not apply to the present case, he is the permanent resident of the address as shown in the cause title of the petition having own house and landed properties and having deep roots in the society and hence, there is no chance of his fleeing away from the hands of justice, the offence alleged is not punishable with death or imprisonment for life, he is ready and willing to offer substantial surety to the



satisfaction of this court and ready to abide by the terms and conditions that may be imposed by this court. Hence, prayed for granting bail.

3. The learned Public Prosecutor opposed the petition by filing objections and contended that the materials collected so far by the investigating officer during the course of investigation and the contents of the F.I.R. prima-facie reveals that the petitioner/ accused has committed the alleged offence, which is serious in nature. It is further contended that the investigating officer has seized the alleged ganja. There are no good grounds to allow this petition, if the bail is granted to the petitioner/accused, he may abscond, he may commit similar offences and tamper the prosecution witnesses and hence, prayed for rejecting the petition.

4. Heard the arguments of learned counsel for the petitioner/accused and learned Public Prosecutor.



5. The following points arise for my determination:

1. Whether the petitioner/accused has made out good grounds for an order of regular bail?
2. What order?

6. My Findings on the above points are as follows:-

Point No.1: In the **Affirmative.**

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

REASONS

7. **Point No.1** :- Chikkanayakanahalli Police have registered a case against the petitioner/accused in Crime No.114/2026 for the offence punishable U/Secs.20(a) of N.D.P.S. Act, on the basis of the first information lodged by Hemanthakumar.R., P.S.I.-I, Chikkanayakanahalli Police Station, on 07.07.2026 at about 02.00 p.m.

8. In the first information, the first informant alleged that, on 07.07.2026, during morning hours, he assigned the



work of collection of information about illegal activities within the jurisdiction of C.N.Halli P.S. to CPC 832 – Sri.Girish.T.G. of Chikkanayakanahalli P.S. and accordingly, at about 12.00 noon, C.P.C. 832 informed him over phone that he received credible information about illegal growing of ganja plants in the garden behind the house of accused situated at Banashankari Nagara of Shettikere Hobli without having any valid license & permit, on the basis of the same, he reported the said information to the S.P. and Dy.S.P. and went to the spot inspection near the house of the accused and confirmed the information and at about 12.45, when he conducted spot inspection, he found 8 ganja plants at the spot grown by the accused and on the basis of the same, he lodged a complaint against the accused to take legal action against him and accordingly, the respondent police have registered a case against the accused in Crime No.114/2026 for the offence punishable under Section 20(a) of N.D.P.S. Act, 1985.



9. The learned counsel for the petitioner/accused vehemently argued that the petitioner/accused is innocent and he has not committed any offence alleged against him, he is the permanent resident of the address as mentioned in the petition cause title and as such, there is no chance of he fleeing away from justice, he has moved this petition before this court for an order of regular bail and he is ready to abide by the conditions that may be imposed by this court and ready to furnish substantial surety to the satisfaction of this court and hence, prayed for granting regular bail to the petitioner/accused.

10. The learned Public Prosecutor vehemently argued that there are prima-facie material against the petitioner/accused to show that he has committed the offence alleged against him and if the regular bail is granted to the petitioner/accused, he may abscond, he may commit similar offences and hamper the investigation and hence, prayed for rejecting the petition.



11. The petitioner/accused has produced the copy of order sheet in Crime No.114/2026, copy of F.I.R. along with copy of first information, copy of remand application, copy of spot inspection and copy of seizure mahazar, copy of P.F. and copy of his Aadhaar Card. The learned Public Prosecutor has produced copy of objection filed by the investigating officer, copy of F.I.R. along with copy of first information.

12. On perusal of all these documents, it is clear that the respondent police have seized the incriminating articles under seizure mahazar and hence, the petitioner/accused is not required for custodial interrogation. Though the offence alleged against the petitioner/accused is non-bailable offence, it is not punishable with death or imprisonment for life. Petitioner/accused is the permanent resident of the address as shown in the cause title of the petition as evident from his Aadhaar Card and hence, there is no chance of he fleeing away from justice. Furthermore, the allegations levelled against the petitioner/accused are all question of



facts, which needs to be proved by the prosecution at the time of trial. The only apprehension of the prosecution is that if the petitioner/accused is released on bail, he may abscond, he may commit similar offence and he may destroy the evidence. Such apprehension can be meted out by imposing certain stringent conditions. With these observations, I answer **point No.1 in the Affirmative.**

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

ORDER

The petition filed by the petitioner/accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is hereby allowed.

The petitioner/accused is ordered to be released on bail on executing personal bond for Rs.50,000/- with one surety for the like-sum in Crime No.114/2026 of Chikkanayakanahalli P.S., for the offence punishable U/Sec.20(a) of



N.D.P.S. Act, 1985, subject to the following conditions:

1. The petitioner/accused shall not abscond or destroy the evidence or threaten the witnesses and shall appear before the I.O. as and when required.
2. The petitioner/accused shall mark his attendance before the concerned Police Station once in 3 weeks preferably on Sunday between 10-00 a.m. and 6-00 p.m. till filing of the final report.
3. In the event charge-sheet is filed against the petitioner/accused, he shall appear before the Court regularly without fail till completion of trial without exception.
4. The petitioner/accused shall not involve in any kind of offence.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open Court on the **16th day of July, 2026**).

(B. Jayantha Kumar)
Prl. District and Sessions Judge,
Tumakuru.