

**IN THE COURT OF THE XXXIII ADDL.CITY CIVIL &
SESSIONS JUDGE & SPL. JUDGE (NDPS), BENGALURU.
CCH.33.**

PRESENT:

Sri. G.M.SHEENAPPA, B.A., LL.B.,
XXXIII ACC & SJ & SPL.JUDGE (NDPS)
BENGALURU.

DATED: THIS THE 11th DAY OF NOVEMBER 2020

Crl.Misc.No.6534/2020

Petitioner : Amjad @ Amjad Khan, S/o.Ameer
Khan, 61 years, Ambedkar nagar,
Narasapura, Kolar – 563133.

(By Sri NM, Adv.)

V/S.

Respondent : State by Electronic City PS

(By Public Prosecutor)

ORDER

Petitioner filed this petition U/Sec.439 of Cr.P.C.,
through e-filing to enlarge him on bail, in Cr.No.148/2020 for
the offence punishable U/Sec.20(B) of N.D.P.S. Act.

2. The brief facts of the petition is as under:

The petitioner has contended that he is innocent and not committed the offence. False complaint is filed against petitioner. The alleged offence is not punishable with imprisonment for life or death. Petitioner is the sole earning member of his family. No procedure of N.D.P.S. Act complied while recovery. There is no restriction U/Sec.37 of N.D.P.S. Act for grant of bail. Petitioner is permanent resident as shown in the cause title. He is ready to give surety and obey conditions of the Court. Hence, requested for grant of bail.

3. In the objection, it is contended that, I.O seized 1 Kg., 200 grams of ganja. There is prima facie case made out against petitioner. Petitioner has not made out grounds for grant of bail to him. He is habitual drug dealer. If he is released on bail, he will continue the profession of narcotic drug selling, and he may abscond and tamper evidence of the prosecution. So, requested for dismissal of the petition.

4. Heard the arguments on both sides.

5. The points for consideration are as under:

1. Whether petitioner has made out sufficient grounds to enlarge him on bail?

2. What order?

6. My findings on the above points are as under:

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

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

REASONS

7. **POINT NO.1:-** Perused the petition and objections filed by the learned Public Prosecutor. Learned counsel for petitioner argued that, there is no prima facie case made out by the prosecution to believe that petitioner has committed the non-bailable offence. Learned P.P. argued that there is a prima facie case made out by the prosecution to believe that petitioner has committed the non-bailable offence.

8. The case of the prosecution is that, on 17.10.2020 at about 3.00 pm., complainant received credible information

that near Hunusemara signal behind Nandini Parlour road, Jayanagar 8th Block a person is selling ganja in a two wheeler which was not having name plate. He informed the said information to their superior officer, secured panchas and staff members and went to the spot and saw the suspected person. They apprehended him and on personal search they seized 1 Kg., 200 grams of ganja. They drew panchanama, arrested the accused and produced before Magistrate and remanded to judicial custody.

9. On careful perusal of material placed before the Court, already 1 Kg., 200 grams of ganja alleged to be seized. It is intermediate quantity and punishable upto 10 years RI and fine which may extend to Rs.1 lakh. He is not required for further investigation. Prosecution has not made out prima facie case against petitioner to believe that he is involved in the alleged offence.

10. Petitioner is permanent resident as shown in the cause title and he is in judicial custody since long time. The

apprehension of prosecution that petitioner may abscond and tamper evidence could be protected by imposing conditions. Hence petitioner has proved that he is entitled for bail. Accordingly, I answer point No.1 in the affirmative.

11. **Point No.2:-** In the result, I proceed to pass following:

ORDER

Petition filed by the petitioner U/Sec.439 of Cr.P.C is hereby allowed.

Petitioner is entitled to be released on bail, in Cr.No.148/2020 of Jayanagar Police Station for the offence punishable U/Sec.20(B) of N.D.P.S. Act on executing personal bond for a sum of **Rs.50,000/-** with **two sureties** for the likesum subject to following conditions.

1. Petitioner shall give attendance before the concerned I.O., once in one month i.e., preferably on Monday in between 10.00 am., to 2.00 pm., till filing of charge sheet.
2. Petitioner shall not leave the jurisdiction of this court without prior permission.
3. Petitioner shall not tamper the witness or abscond.

4. Petitioner shall co-operate with I.O for investigation.
5. Petitioner shall not likely to commit any offence while on bail.
6. In case of breach of any one of the above conditions the prosecution is at liberty to move the application for cancellation of bail.

[Dictated to the stenographer, directly on the computer, typed and computerised by her, corrected, signed and then pronounced by me in Open Court on this the 11th day of November 2020]

(G.M.SHEENAPPA)
XXXIII ACC & SJ & SPL.JUDGE (NDPS)
BENGALURE.

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