



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 2302 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

AATITHYA HITESH VORA
S/O VORA HITESH,
AGED ABOUT 29 YEARS
ADARSH PALM RETREAT,
BELLANDUR, F.703 TOWER 3,
BENGALURU – 560 103

...PETITIONER

(BY SRI. RANGANATH REDDY R., ADVOCATE)

AND:

INSPECTOR OF CUSTOMS
REPRESENTED BY
THE STATION HOUSE OFFICER,
SPL. INTELLIGENCE AND INVESTIGATION
INSPECTOR OF CUSTOMS, COMPLEX,

Digitally
signed by
PAVITHRA
N



Location:
High
Court of
Karnataka



DEVANAHALLI, BANGALORE CITY
BRANCH (SIIB),
AIRPORT AND AIR CARGO
REPRESENTED BY SPECIAL
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU - 560 300

...RESPONDENT

(BY SRI. MADHU N RAO., ADVOCATE)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN O.R NO. 65/2025-2026
NOW PENDING AS SPL.C. NO.2846/2026 REGISTERED AT
XXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AT
BANGALORE FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 8(c), 22(c) 23(c), 27 AND 28 OF THE NDPS ACT,
ON SUCH TERMS THIS COURT DEEMS FIT TO IMPOSE IN
THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF
JUSTICE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

1. The petitioner/accused, is before this Court seeking for grant of regular bail in O.R.No.65/2025-2026, now pending in Special Case No.2846/2025 on the file of learned XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, filed by respondent-police for offences under Sections 8(c), 21(b), 22(c), 23(b), 23(c), 27, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

Brief facts of the case:

2. The case of the prosecution is that, the Inspector of Customs lodged a complaint stating that he has been working as an Inspector of Customs in the Special Intelligence and Investigation Branch (for short 'SIIB'), Airport and Air Cargo Complex, Bengaluru. It is stated that, on receiving the credible information on 27.06.2025 by the officers of SIIB of Air Cargo Commissionerate, there was concealment in one import consignment



arrived for one person, namely, Aditya V. Suspecting the said consignment, they conducted mahazar, and they opened the consignment and found that cocaine and Mescaline were attempted to be imported to India.

3. Heard Sri Ranganath Reddy R., learned counsel for the petitioner and Sri Madhu N. Rao, learned Special Counsel for the respondent.
4. The submission of the learned counsel for the petitioner is that the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. In fact, the petitioner has been arrested under Section 104 of the Customs Act. However, for the alleged offences, he ought not to have been arrested under the said provision, and the said detention is illegal. Hence, he may be enlarged on bail in order to secure him the life and personal guaranteed under Article 21 of the Constitution. Making such submissions, learned counsel for the petitioner prays to allow the petition.
5. *Per contra*, the learned Special Counsel for the respondent has filed the statement of objections opposing



the petition. Learned Special Counsel vehemently submitted that the petitioner has adopted several techniques and methods to import the contraband from foreign countries, and he has a technique of selling the said contraband through his networks in Bengaluru. Somehow, the Airport Authority/Customs Officers found that the contraband was in the said parcel. Therefore, the respondent has rightly registered a case against the petitioner. Hence, it is appropriate to reject the petition. Making such submissions, the learned Special Counsel for the respondent prays to reject the petition.

6. Having heard the learned counsel for the respective parties and on perusal of the averments of the complaint, it would indicate that the petitioner allegedly committed an offence under the NDPS Act. However, he has been arrested under Section 104 of the Customs Act. On going through the said provisions, it makes clear that the petitioner ought not to have been arrested under Section 104 of the Customs Act, and certainly, such an arrest



would be held to be illegal. Therefore, it is appropriate to grant bail.

7. Hence, I proceed to pass the following:-

ORDER

(i) The Criminal Petition is ***allowed.***

(ii) The petitioner is ordered to be enlarged on bail in O.R.No.65/2025-2026, now pending in Special Case No.2846/2025 on the file of learned XXXIII Additional City Civil and Sessions Judge and Special Judge (NDPS), Bengaluru, filed by respondent / police for the offences stated supra, on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the Trial Court.

(iii) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(iv) The petitioner shall not indulge in any similar activities or any other criminal cases till disposal of the case.



In case the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file a necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 Sl No.: 35