



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. 3100 OF 2026

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

BETWEEN:

SHOHID ALI,

S/O ISMAHIL ALI,

AGED ABOUT 23 YEARS,

PRESENTLY RESIDING AT

SANTEMAIDAN, ALDUR HOBLI,

CHIKKAMAGALURU TALUK-577 111.

NATIVE OF SIMMITALA VILLAGE

AND STATION, GOOLPAR DISTRICT,

ASSAM STATE -783 130.

...PETITIONER

(BY SRI. GIRISH B BALADARE, ADVOCATE)

Digitally
signed by
PAVITHRA
N



Location:
High
Court of
Karnataka



AND:

STATE BY ALDUR PS,
ALDUR,
CHIKKAMAGALURU TALUK
AND DISTRICT -577 548.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE -560 001.

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P FILED U/S 439 CR.P.C (U/S 483 BNSS)
PRAYING TO ALLOW THE PETITION AND ENLARGE THE
PETITIONER ON REGULAR BAIL IN CR.NO.168/2025
REGISTERED BY ALDUR P.S., FOR THE OFFENCES P/U/S
20(b)(ii)(B), 27(b) OF NDPS ACT, 1985, PENDING BEFORE THE
PRL. DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, AT
CHIKKAMAGALURU IN SPL.C.NO.117/2025.

THIS CRL.P, 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 No.2, is before this Court seeking regular bail in Crime No.168/2025 registered by the respondent-police for the offences punishable under Sections 20(b)(ii)(B), 27(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, pending on the file of the Principal District and Sessions Judge and Special Judge at Chikkamagaluru in Special Case No.117/2025.

Brief facts of the case:

2. The case of the prosecution is that the complainant, on receiving the credible information that two persons, who were coming in front of the Masjid situated near Santhe Maidana, tried to run away on seeing the police jeep. By that time, the other staff who were present along with the complainant apprehended them and asked for their details. The petitioner and another disclosed their identities and also handed over the items found in the plastic bag, and further, they confessed that the plastic bag contained contraband. The said contraband has been



seized by the complainant and his team in the presence of the panch witnesses. On weighing the said contraband, it came to 2 kg. 250 grams. Hence the complaint. Based on the said complaint, the respondent police have conducted the investigation and submitted the charge sheet.

3. Heard Sri Girish B. Baladare, learned counsel for the petitioner and Sri Rangaswamy R., learned High Court Government Pleader for the respondent – State.
4. The submission of the learned counsel for the petitioner is that a joint recovery has been made by the respondent police, which is impermissible under the law. No specific overt act has been attributed against the petitioner. His bail petition has been rejected only on the ground that he is a permanent resident of Assam. However, the petitioner is working in the coffee estate at Chikkamagaluru. If the petitioner is enlarged on bail, he would abide by the conditions imposed by this Court. Making such submissions, learned counsel for the petitioner prays to allow the petition.



5. Learned High Court Government Pleader for the respondent – State vehemently submitted that the petitioner was trying to sell the contraband. The said contraband has been seized, and the same has been identified as ganja. On weighing the said ganja, it was 2 kg. 250 grams. The investigation has been conducted. The charge sheet has already been submitted. If the petitioner is enlarged on bail, there is a likelihood of absconding from the criminal case, and it would be very difficult to secure his presence once he goes to his native place. Hence, it is not appropriate to grant him bail. Making such submissions, the learned High Court Government Pleader prays to reject the petition.
6. Having heard learned counsel for the respective parties and on perusal of the averments of the charge sheet, it appears from the record that the petitioner and another were trying to sell the contraband near Santhe Maidana of Chikkamagaluru. They have been apprehended, and the said contraband has been seized. However, the said seizure had taken place jointly by the Investigating



Officer. No specific overt act has been attributed against the present petitioner. Therefore, I am of the considered opinion that the petitioner has made out a case to grant him 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 Crime No.168/2025 registered by the respondent-police for the offences stated *supra*, pending on the file of the Principal District and Sessions Judge and Special Judge at Chikkamagaluru in Special Case No.117/2025, on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one local surety for the likesum to the satisfaction of the Trial Court.



- (iii) The petitioner shall mark his attendance on every 15 days once, especially on Saturday between 10.00 a.m. and 02.00 p.m., till the disposal of the case.
- (iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.
- (v) The petitioner shall not indulge in any criminal activities 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