



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 3359 OF 2026

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

BETWEEN:

1. ANAND KUMAR

S/O HANUMANTHRAYAPPA,

AGED ABOUT 27 YEARS,

ALAMMAPALYA, CHUNCHUNAKUPPE,

HOYSALA CIRCLE KFC BACK,

BANGALORE - 562 130

2. HARISAI CHARAN REDDY

S/O LATE VISHNUVARDHANA REDDY,

YELLODU VILLAGE, GUDIBANDE TALUK,

CHIKKABALLAPUR-562 101.

...PETITIONERS

(BY SRI. RANGANATH REDDY R.,ADVOCATE)

Digitally
signed by
PAVITHRA
N
Location:
High Court
of
Karnataka





AND:

STATE BY GUDIBANDE POLICE,
CIRCLE OFFICE,
CHIKKABALLAPURA,
REPRESENTED BY HCGP
(HIGH COURT OF KARNATAKA)
PIN CODE-562 101.

...RESPONDENT

(BY SRI.HARISH GANAPATHY .,HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.
NO.17/2026 DATED REGISTERED AT GUDIBANDE POLICE
STATION REGISTERED BEFORE THE LEARNED PRL. CIVIL
JUDGE AND JMFC COURT, GUDIBANDE AT CHIKKABALLPAURA
FOR OFFENSE PUNISHABLE UNDER SECTION 20(B) OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT
1985.

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. This petition is filed by the petitioner herein, who is arrayed as accused Nos.2 and 3, seeking regular bail in Crime No.17/2026 filed by the respondent-Police for the offences punishable under Section 20B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short NDPS*).

FACTUAL MATRIX OF THE CASE:

2. The case of the prosecution is that on 29.01.2026 at about 06.00 p.m., the complainant had received credible information that three unknown persons were in possession of contraband and attempting to paddle the same near the hut of Yellodu Village. On receiving said information, the complainant went near the spot and apprehended the petitioners and seized the contraband. On weighing the same, it was about 03 kg, 100 grams of ganja, which was packed in two black plastic covers. A mahazar was drawn in front of the independent



witnesses and the procedure prescribed to conduct the search and seizure has been followed.

3. Based on the said complaint, a case has been registered by the respondent-Police. The investigation is in process.

4. Heard Sri. Ranganath Reddy R., learned counsel for the petitioners and Sri. Harish Ganapathy, learned High Court Government Pleader for respondent.

5. Learned counsel for the petitioners submits that the petitioners are innocent of the alleged offences. They have been falsely implicated in this case. In fact, the Investigating Officer has not followed the procedure required to be followed under Section 52-A of the Act. The seizure of the said contraband is not in accordance with the law. The FIR has been filed after conducting a search and seizure, which is contrary to the law. There are no criminal antecedents against the petitioner. Hence, the petitioner may be enlarged on bail by imposing suitable



conditions, and he will abide by the conditions. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

6. *Per contra*, the learned High Court Government Pleader for the respondent-State vehemently submitted that the procedure contemplated under the Act has been followed. The petitioner No.1, who is arrayed as accused No.2, had a criminal antecedent. Two more cases are pending for consideration against him. The contraband has been seized at their instance in the presence of witnesses. The contraband is about 03 kg 100 grams, which is an intermediate quantity. If the petitioners are enlarged on bail, there may be chances of committing similar offences and also not being available for the trial. Therefore, it is not appropriate to grant them bail.

7. Heard learned counsel for the respective parties and perused the averments of the complaint. It appears from the record that the complainant being the Police



Officer, stated that this is information from his source that the petitioners herein were selling the contraband. They were trying to sell the contraband at the address and location of the house. He went to the location along with the staff and independent panch witnesses, apprehended the victims and thereafter, arrested and seized the contraband. On weighing the said contraband, it weighed about 03 kg 100 grams.

8. Be that as it may, on going through the record, it appears that Section 52-A has not been followed immediately after seizure of the said contraband. Considering the same, it is appropriate to grant bail.

9. Hence, I proceed to pass the following:

ORDER

- i. This Criminal Petition is ***allowed.***
- ii. The petitioner is ordered to be enlarged on bail in Crime No.17/2026 filed by the respondent-Police for the offences



punishable under Section 20B of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with one surety each for the like sum of the satisfaction of the Trial Court.

- iii. The petitioners shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.
- iv. The petitioners shall appear before the Trial Court on all hearing dates without fail.
- v. The petitioners shall not indulge in any criminal cases till disposal of the case.



In case the petitioners violate any of the bail conditions mentioned above, liberty is reserved to the prosecution to file a necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM
List No.: 1 Sl No.: 16