



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 6840 OF 2026

BETWEEN:

1. NISSAR KHAN
S/O. LATE BABA JAAN
AGED ABOUT 38 YEARS,
R/AT. NO.540, J.M. STREET,
4TH CROSS, GHANIMIYA SCHOOL,
24TH WARD, CHENNAPATNA TOWN,
562 160
2. SYED YUNUS
S/O SYED SHABBIR AHMED
AGED ABOUT 28 YEARS,
R/AT NO. 6/6, 1ST MAIN,
1ST CROSS, KHR COLONY,
JTR NAGARA,
BENGALURU - 560 018
3. SADRULLA BHAIG
S/O LATE FABLU BHAIG,
AGED ABOUT 28 YEARS,
R/A NO. 14/2, 2ND CROSS,
GOWRIPALYA, JJR NAGARA,
CHAMMARAJAPETE,
BENGALURU - 560 018
4. SHABASH
S/O NISSAR AHMED,





AGED ABOUT 26 YEARS,
R/AT NO.140, 2ND MAIN,
BTM 1ST STAGE,
BENGALURU - 560 029

5. SHARFUDDIN
S/O SALEHA
AGED ABOUT 45 YEARS,
R/AT NO.16/339, 3RD CROSS,
PARAH MASEEDI ROAD,
JEEVANA PURA MOHALLA,
CHANNAPATTANA - 562 160

6. PAVAN
S/O MOHAN MURTHY,
AGED ABOUT 22 YEARS,
R/AT NO.57, 7TH CROSS,
2ND BLOCK, SUDAMA NAGARA,
BENGALURU - 560 027

7. SADDIQ PASHA
S/O MOHAMMED GHOUSE,
AGED ABOUT 28 YEARS,
R/AT NO.187, 8TH CROSS,
YAARAS NAGARA,
BANASHANKARI 2ND STAGE,
BENGALURU SOUTH - 560 070

8. AZMAL BHAIG
S/O BASHEER BHAIG,
AGED ABOUT 45 YEARS,
R/A NO.33, 6TH MAIN,
MARUTHI LAYOUT,
NEW GURRAPPANAPALYA,
BENGALURU SOUTH - 560 029



9. MOHAMMED SHAKEEL
S/O LATE NISSAR AHMED,
AGED ABOUT 28 YEARS,
R/AT NO.53, SIDDARTHA NAGARA,
MADIWALA,
BENGALURU - 560 068

...PETITIONERS

(BY SRI. CHANDRAPPA K.N., ADVOCATE)

AND:

THE STATE OF KARNATAKA
STATE OF KARNATAKA BY
KOLLEGALA POLICE STATION,
BENGALURU

REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONERS ON REGULAR BAIL UNDER SEC.483 OF BNSS IN CR.NO.55/2026 OF KOLLEGALA RURAL P.S. FOR THE OFFENCE P/U/S 20(b)(II)(A),27(b),25 OF NDPS ACT 1985 PENDING ON THE FILE BEFORE PRL.DIST. AND SESSIONS JUDGE AT CHAMARAJANAGARA.

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



CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

Petitioners who are accused Nos.4, 5, 6, 8 to 13 in Crime No.55/2026 registered by the respondent for offences punishable under Sections 20 (b) (II) (A), 27 (b) and 25 of the NDPS Act, 1985, pending before the Principal District and Sessions Judge, Chamarajanagara, have filed this petition for bail.

2. Based on credible information, the Circle Inspector of Police, Kollegala, conducted a raid along with senior lab technicians and other staff and a dog squad. It was found that there was 157.15 grams of charas in the car owned by the accused No.1. Likewise, from a bike owned by the accused No.3, 95.70 grams of ganja were recovered. Based on this recovery, a case in Crime No.55/2026 was registered for the aforesaid offences. The petitioners herein had attended a birthday party purportedly hosted by the accused No.1, and therefore



they too were apprehended as their urine sample for detection of consumption of narcotic drug turned positive. An application was filed by the petitioners for release on bail which was rejected by the trial Court in terms of an order dated 17.04.2026. The petitioners are therefore before this Court.

3. Learned counsel for the petitioners submitted that there is no recovery from the petitioners and the petitioners had gone to attend the birthday party hosted by the accused No.1. He contends that even if the petitioners were accused of consuming narcotic substances, they could be prosecuted for an offence under Section 27 (b) of the NDPS Act which is punishable with 6 months' imprisonment along with fine. He therefore submits that the petitioners are entitled to be released on bail.

4. Per contra, the learned High Court Government Pleader submitted that urine examination of the petitioners disclosed that they had consumed narcotic



substance, and hence they were all part of the commission of the crime. She therefore submits that the petitioners are not entitled to bail as the commercial quantity of charas is seized.

5. I have considered the submissions made by the petitioners and learned High Court Government Pleader for the respondent.

6. On perusal of the report submitted by the PSI, Kollegala, it shows that the recovery of the narcotic substances was from the accused No.1 and accused No.3. Apparently these petitioners were arraigned as accused, as they too were present at the scene of the crime and the urine sample of the petitioners had turned positive for a narcotic substance. As there was no recovery of any narcotic/psychotropic substance from the petitioners, consumption of a narcotic substance could be an offence under Section 27 (b) and the maximum imprisonment is 6 months along with fine. Therefore, the trial Court could not have rejected the application filed by the petitioners



seeking bail. Consequently, the petition is ***allowed***. The petitioners are ordered to be released on bail in Crime No.55/2026 registered by the respondent for offences punishable under Sections 20 (b) (II) (A), 27 (b), and 25 of the NDPS Act, 1985, pending before the Principal District and Sessions Judge, Chamarajanagara, subject to the following conditions:

- i. The petitioners shall execute a personal bond for Rs.50,000/- each with a solvent surety each for the likesum and to the satisfaction of the Trial Court.
- ii. Petitioners shall appear before the Court on all dates of hearing unless exempted by the Court.
- iii. Petitioners shall not commit any offence similar to the offence of which they are accused or suspected of commission of which they are suspected. They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court



or to any Police Officer or tamper with the evidence.

- iv. They shall not leave the country without the permission of the Court.
- v. In the event of violation of any of the above conditions, it is open for the Investigating Officer / prosecution to seek for cancellation of the bail.

Learned High Court Government Pleader is directed to file a memo of appearance within 10 days.

**Sd/-
(R. NATARAJ)
JUDGE**

RCK
List No.: 1 Sl No.: 44