NC: 2025:KHC:1686
CRL.P No. 14035 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14035 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

SYED MOHAMMED NOORULLA
@ PARIVALA @ MOHAMMED S/O SYED JAFER,
AGED ABOUT 33 YEARS,
R/O. NO.37/38 5TH CROSS GHOUSIYA COMPOUND
OKALIPURAM BENGALURU NORTH-570001.

...PETITIONER

(BY SRI SYED AKBAR PASHA, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MANDI POLICE STATION
MYSURU
R/P BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001.

...RESPONDENT

(BY SRI M.R. PATIL, HCGP)

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO GRANT REGULAR BAIL IN CR.NO.67/2024 SPL.C.NO.537/2024 REGISTERED BY THE RESPONDENT MANDI POLICE FOR THE OFFENCE PUNISHABLE UNDER SECTION 22(C) OF NDPS ACT, 1985, WHICH IS PENDING ON THE FILE LEARNED PRINCIPAL DISTRICT AND SESSIONS COURT, MYSURU.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.2 in Special Case No.537/2024 pending before the Court of Principal District and Sessions Court, Mysuru, arising out of Crime No.67/2024, registered by Mandi Police Station, Mysuru, for the offences punishable under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'NDPS Act'), is before this Court under Section 483 of Bharatiya Nagarika Surkahsa Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner submits that, accused Nos.1 and 3 have been granted regular bail by this Court in Criminal Petition No.12501/2024 and in Criminal Petition No.11775/2024. The allegations against all the accused persons are identical. The seized contraband article is of intermediate quantity. Accordingly, he prays to allow the petition.

4. Per contra, learned High Court Government Pleader who has opposed the petition, does not dispute the submission made by the learned counsel for the petitioner.

5. In the present case, on the basis of a credible information received, the first informant and his staff had conducted a raid and apprehended three persons and from their possession, allegedly contraband article MDMA weighing 50 grams and 0.3 milligrams was recovered. The investigation of the case is completed and the charge-sheet has been filed. The seized contraband article was subjected to inventory in compliance of the requirement of Section 52A of the NDPS Act and in the inventory the total weight of the seized contraband article is mentioned as 48 grams and 34 milligrams. Therefore, it is apparent that, the seized contraband article is of intermediate quantity. It is in this background, the accused Nos.1 and 3 have been granted regular bail by this Court in Criminal Petition No.12501/2024 and Criminal Petition No.11775/2024. Under the circumstances, the petitioner herein is also entitled for

regular bail on the ground of parity. Accordingly the following order:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.67/2024 of Mandi Police Station, Mysuru, registered for the offences punishable under Section 22(C) of NDPS Act, pending in Special Case No.537/2024 on the file of learned Principal District and Sessions Judge Court, Mysuru, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 19 Sl No.: 13
CT:PK