NC: 2025:KHC-K:2579
CRL.P No. 200600 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 29TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 200600 OF 2025

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

BETWEEN:

1. SHUKULAL BAKACHI S/O VINOD BAKCHI,
AGE:52 YEARS, OCC: FARMER,
R/O. MPV 26 ERAGUNDA GOPAGUNDA,
KALIMELA, DIST.MALKANGIRI-764045 (ORISSA).

2. SUKUMAR BISWAS S/O BIJAY BISWAS,
AGE:42 YEARS, OCC: DRIVER,
R/O. MV 54 CHITRANGPALI, KALIMELA,
DIST. MALKANGIRI-764045 (ORISSA).

3. ANIL GHARAMANI @ ANIL GHARAMI
S/O NITYANAND GHARMANI,
AGE:45 YEARS, OCC: FARMER,
R/O. MV 66 GAMPAKUND, KALIMELA,
DIST. MALKANGIRI-764045 (ORISSA).

4. BIPUL NATH S/O GOPAL NATH,
AGE:56 YEARS, OCC: FARMER,
R/O. MV 56 CHITRANGPALI,
DIST. MALKANGIRI-764045 (ORISSA).

...PETITIONERS

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA THROUGH,
POLICE MANNALLI POLICE STATION,

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

DIST. BIDAR-585401,
R/BY ADDL. SPP
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

…RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P. IS FILED U/S. 483 OF BNSS,2023 PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONERS/ ACCUSED NO.1 TO 4 IN SPL.C. NO.1/2025 (MANNALLI P.S. CRIME NO.40/2024) PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE, AT BIDAR FOR THE OFFENCES PUNISHABLE U/SEC. 20(b)(ii)C OF NDPS ACT, 1985.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.04.2025, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

The petitioners who are arrayed as accused Nos.1 to 4 have approached this Court seeking regular bail in Spl.C.No.1/2025 (arising out of Crime No.40/2024 registered by Mannalli Police Station) pending on the file of

Principal District and Sessions Judge, Bidar, for the offence punishable under Section 20(b)(ii)C of NDPS Act, 1985.

2. Factual matrix of the case:

It is the case of the prosecution that the complainant received credible information to the effect that the petitioners were transporting ganja in the car as well as in the lorry on Hyderabad-Mumbai Highway road. On receiving the said information, C.W.1 along with C.Ws.8 to 17 went to the spot on 12.07.2024 around about 10.45 p.m., and intercepted the said vehicles and also seized the lorry and the ganja which was weighing about 305.56 kgs. After filing the complaint, the respondent-Police have registered the case in Crime No.40/2024 and after conducting investigation, submitted the charge sheet.

3. Heard Sri.Shivanand V.Pattanashetti, learned counsel for the petitioners and Sri.Jamadar Shahabuddin, learned High Court Government Pleader for the respondent-State.

4. It is the submission of the learned counsel for the petitioners that though it is alleged that petitioners were transporting alleged contraband, the procedure as required to be followed as per the provisions of Sections 42, 43 and 52 of NDPS Act, has not been followed. Therefore, the petitioners deserve to be enlarged on bail. It is further submitted that though it is alleged that the said contraband is of commercial quantity, the fact remains that, there is no embargo on this Court to grant bail after filing objections by the prosecution.

5. It is his further submission that though the petitioners are residents of different places, the fact remains that, they will abide the conditions that may be imposed by this Court in the even of their release on bail. Hence, they may be enlarged on bail by imposing suitable conditions. Making such submissions, he prayed for allowing the petition.

6. *Per contra*, learned High Court Government Pleader vehemently submitted that ganja which is seized

was weighing about 305.56 Kgs., and it is of commercial quantity. The petitioners are residents of Orissa. Therefore, there may be chances of petitioners absconding from the case if they are released on bail.

7. It is further submitted that the petitioners have committed heinous offence. Therefore, the petitioners are not entitled for the reliefs as prayed for. Making such submissions, he prayed for rejecting the petition.

8. Having heard the learned counsel for the respective parties and also perused the averments of the complaint and charge sheet, it appears from the records that the petitioners were transporting ganja which was weighing 305.56 Kgs.

9. The learned High Court Government Pleader has made available the inventory for having destroyed the said ganja. After having gone through the detailed inventory that has been done in the presence of the

learned Magistrate, I am of the considered opinion that the petitioners have not made out a case to grant them bail.

10. Accordingly, I pass the following:

ORDER

The Criminal Petition is ***rejected***.

Sd/-
(S RACHAIAH)
JUDGE

NB
List No.: 1 Sl No.: 36
CT:PK