

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MAY, 2020

BEFORE

THE HON'BLE MR.JUSTICE K. N. PHANEENDRA

CRL.P. NO.2204/2020

BETWEEN

NOOR PASHA
S/O LATE AMEER JAAN
AGED ABOUT 40 YEARS
RESIDING AT EDRIS MEKAN
CLOCK TOWER
KOLAR – 563 102

... PETITIONER

(BY SRI. SANTHOSH .B,ADVOCATE)

AND

STATE OF KARNATAKA BY
HOSAKOTE POLICE STATON - 562 114

REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR

... RESPONDENT

(BY SRI. VINAYAKA .V.S,HC GP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.109/2020 OF HOSKOTE POLICE STATION, BENGALURU FOR THE OFFENCE P/U/S.20(b) OF NDPS ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent – State. Perused the records.

2. The learned counsel for the petitioner is directed to comply with the office objections through e-mail or immediately after the lock down is lifted pertaining to COVID-19.

3. The brief allegations are that:

On 24.03.2020 at about 9.30 a.m., the complainant C.M. Raju, PSI of Hosakote Police Station said to have received credible information that, some unknown persons were selling ganja near Sulthan Hotel, Kolathoor gate at Hosakote Taluk in a two wheeler. Upon receiving the information, the PSI secured the panchas, visited the spot, intercepted the petitioner and others. On enquiry, they found that the accused person was in possession of two kgs of ganja on the motor cycle. The said Ganja and Motorcycle was seized and from 24.3.2020, it appears, the petitioner has been in Judicial Custody.

4. On perusal of the entire materials on record produced, it is seen that two kgs. of ganja which is seized is a smaller quantity and it is not a commercial quantity. Therefore, the rigor of section 37 of the NDPS Act is not attracted. It is also seen that there is no previous bad antecedents alleged against the petitioner and no other cases are pending against the petitioner.

5. In the above said facts and circumstances and also considering the nature of allegations and the quantity of ganja recovered, and as the accused has been in Judicial custody since then, in my opinion, the petitioner is entitled to be enlarged on bail on conditions. Hence, the following:

ORDER

The Petition is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.109/2020 of Hosakote Police Station, Bengaluru District, registered for the alleged offence, subject to the following conditions:

- (i) The petitioner shall execute his personal bond for a sum of Rs.1,00,000/- with one

surety for the like-sum to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall not indulge in tampering the prosecution witnesses.

(iii) The petitioner shall appear before the jurisdictional Court on all future hearing dates unless exempted by the Court for any genuine cause.

(iv) The petitioner shall not leave the jurisdiction of the trial Court without prior permission of the Court till the case registered against him is disposed of.

(v) The petitioner shall appear before the Investigating Officer as and when called for.

(vi) The jail authorities before release shall conduct medical examination of the petitioner as required in view of pandemic COVID-19.

Sd/-
JUDGE

PL*