
(2013) 11 KAR CK 0210
In the Karnataka High Court
Case No : Criminal Petition No. 15944 of 2013

Allauddin

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 27-11-2013

Acts Referred:

Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 20c, 50

Citation : (2013) 11 KAR CK 0210

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Manure Ashok Kumar, for the Appellant; S.S. Aspalli, HCGP, for the Respondent

Final Decision : Disposed Off

Judgement

Huluvadi G. Ramesh, J.—The petitioner has sought bail in connection with Crime No. 102/2013 of Rural Police Station, Bidar, for the offence punishable under Sections 20(c) of Narcotic Drugs and Psychotropic Substances Act 1985. Heard the learned counsel for the petitioner and learned Government Pleader.

2. It is alleged that on 28.09.2013, around 5.00 p.m. the PSI Bidar, on credible information near Basveshwar circle of Gadgi village, found the petitioner herein transporting ganja, weighing 21 Kgs, worth Rs. 63,000/- and seized the same before the panchas and registered a case against the petitioner for the alleged offence.

3. Learned counsel for the petitioner submitted that ganja refers to only flowering and fruiting tops of cannabis and not the plants, what is being seized is only a small gunny bag. Even if it is 21 Kgs, excluding the seeds and the leaves, it would not be of commercial quantity. As such the allegation they have seized 21 Kgs of ganja is false and also submitted there is non compliance of mandatory provision of Section 50 of the Narcotic Drugs and Psychotropic Substances Act 1985. Accordingly, he has sought bail on the ground that there is no prima facie

case against the petitioner.

4. According to the learned Government Pleader, the investigation is under progress, there is compliance of the provision of Section 50 of the Narcotic Drugs and Psychotropic Substances Act 1985, what is being seized is ganja which was sold by the petitioner in public and there is a prima facie case against the accused. Accordingly, he has sought rejection of bail. To find out whether there is a prima facie case or not and also whether there is compliance of mandatory provision, a detail report by way of final report is necessary. Since the quantity of ganja seized is more than exempted quantity, for the present the case of the petitioner cannot be entertained.

Petition is disposed of.