
(2013) 12 KAR CK 0138
In the Karnataka High Court
Case No : Criminal Petition No. 6920 of 2013

Gyanaram

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 11-12-2013

Acts Referred:

Citation : (2014) 1 AKR 387 : (2014) 2 KCCR 1093

Hon'ble Judges : H.S. Kempanna, J

Bench : Single Bench

Advocate : Hasmath Pasha, for the Appellant; Visweswaraiah, H.C.G.P., for the Respondent

Final Decision : Allowed

Judgement

H.S. Kempanna, J.—The petitioner, who is arrayed as A. 3 in Special Case No. 216/13 on the file of the Special Court for NDPS, XXXIII Addl. City Civil and Sessions Judge (CCH-33) registered for the offence punishable u/s 17 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short "the Act"), is before this Court seeking for grant of anticipatory bail. It is the case of the prosecution, the PSI of K.P. Agrahara Police Station, who is the complainant in the case received a credible information on 7.6.2013 at about 2.00 p.m. to the effect that three persons were involved in selling opium near Gopalan Residency Compound in Telecom Layout. Thereafter he proceeded to the said place along with other Police Inspector, Officials and Panchas. At the said place they found three persons, which tallied with the features given as per the credible information received and therefore, they advanced to apprehend them. Out of three persons, who were there one person escaped, the other two persons were apprehended. Thereafter, the PSI secured the ACP for conducting their personal search as contemplated under the Act, who in turn conducted the personal search of the said two persons in the presence of panchas. At that time they were found in possession of 1 kg. and 1.1 kg. of opium with them. The ACP after completing the formalities of search and seizure, produced the said two persons

before the Jurisdictional police, thereafter they came to be arrested and on completion of the investigation, final report was filed before the Special Court against the two persons who were apprehended showing this petitioner and another as absconding in the case.

2. Learned counsel for the petitioner contends, this petitioner who is shown as absconding A. 3 has been involved in the case on the basis of the information given by A. 1 and A. 2 who had been apprehended in the case. No recovery has been made at his instance. He hails from a respectable family having deep roots in the society, hence, he be granted the relief as prayed for by him.

3. Per contra, learned High Court Government Pleader opposed the application filed by the petitioner. Material on record reveals, this petitioner has been involved in the case on the basis of the information given by A. 1 and A. 2 who had been arrested in the case. No recovery of any narcotic substance has been made at the instance of this petitioner. Having regard to the quantity that has been seized from the possession of A. 1 and A. 2 and in view of the circumstances appearing as stated to above, I do not find any justification to decline the request of the petitioner. Accordingly, I proceed to pass the following:--

ORDER

Petition is allowed.

Petitioner in the event of his arrest in Crime No. 161/2013 on the file of the respondent/police or in pursuance of any coercive steps directed against him by the learned Special Judge, the concerned are directed to release him on bail on his executing a personal bond in a sum of Rs. 50,000/- with two sureties for the likesum to the satisfaction of the police or the Court as the case may be, subject to the following conditions:--

1. He shall appear before the police or Court on or before 30.1.2014 for the purposes of his arrest and release.
2. He shall not tamper with the prosecution witnesses.
3. He shall appear before the trial Court on all the dates of hearing.