

(2022) 01 KAR CK 0044
In the Karnataka High Court
Case No : Criminal Petition No. 132 Of 2022

Jenifer Menon

APPELLANT

Vs

State By Beguru Police, Beguru Bengaluru District ? 560 001

RESPONDENT

Date of Decision : 24-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 21(c), 22(c)

Citation : (2022) 01 KAR CK 0044

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : Jagadeesh M.L, R.D. Renukaradhya

Final Decision : Allowed

Judgement

H.P. Sandesh, J

1. This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner/accused No.1 in Crime No.242/2021 of Beguru Police

Station, Bengaluru, for the offences punishable under Sections 8(c), 21(c) & 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985

(the NDPS Act for short).

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the respondent/State.

3. The factual matrix of the case is that this petitioner has been arraigned as accused No.1. Based on the credible information received on 01.12.2021

at around 16:30 p.m, near AECS Layout Lake, Singasandra, Bengaluru City, that this petitioner is selling Hash Oil, keeping the same in back pack bag

and also received the information that she will come on the next day. On the next day, the recovery was made at the instance of this petitioner to the

extent of 120 grams of Hash Oil. Thereafter seized 800 grams of Hash Oil including Bottle & Plastic cover, 56 grams Hash Oil including plastic

Bottle, 64 grams Hash Oil including plastic Bottle, 84 grams Hash Oil including plastic bottles, in total, 1 kg 4 grams of Hash Oil, Ecstasy Tablets â?

10, weighing 5 grams 5 Mili grams including plastic cover, LSD Strips â?" 70 weighing 1 gram 82 Mili Grams including plastic cover, 2 Kg Ganja, 4

Empty plastic bottles, Eagle Company Digital weighing machine, one black back pack bag and one grey colour Honda Dio KA-04-HV-2039 from

accused Nos.2 and 3. Based on the complaint, a case has been registered for the offences punishable under Sections 8(c), 21(c) & 22(c) of the

NDPS Act.

4. The learned counsel appearing for the petitioner would submit that this petitioner is a student and only quantum seized is 120 grams and the same is an intermittent quantity and there is no any criminal antecedents against this petitioner. This petitioner was arrested on 02.12.2021 and no need of custodial interrogation.

5. Per contra, the learned High Court Government Pleader appearing for the State would submit that the credible information was received that this petitioner was only indulged in such act, though quantity seized was an intermittent quantity, it will affect the society at large.

6. Having considered the submissions of the learned counsel appearing for the petitioner as well as the learned High Court Government Pleader appearing for the State and also on perusal of the materials seized at the instance of this petitioner i.e., 120 grams, which is little higher than the small quantity and the petitioner was apprehended on 02.12.2021. Since the petitioner is in the custody, no need of custodial trial. There is no any other incriminating material and no criminal antecedents against this petitioner. Hence, it is a fit case to exercise the powers under Section 439 of Cr.P.C., subject to imposing certain conditions to protect and safeguard the interest of the prosecution. Hence, I pass the following:-

ORDER

The Petition is allowed. Consequently, the petitioner/accused No.1 shall be released on bail in Crime No.242/2021 of Beguru Police Station,

Bengaluru, for the offences punishable under Sections 8(c), 21(c) & 22(c) of the NDPS Act, subject to the following conditions:

- (i) The petitioner/accused No.1 shall execute personal bond for a sum of Rs.2,00,000/-(Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioner/accused No.1 shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioner/accused No.1 shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.
- (iv) The petitioner/accused No.1 shall not leave the jurisdiction of the Trial Court without prior permission of the Court, till the case registered against her is disposed of.