

(2026) 08 KAR CK 2087

In the Karnataka High Court, Bengaluru Bench

Case No : Criminal Petition No. 8463 of 2026

Manoranjan Mahalika & Ors.

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(B), 50
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Code of Criminal Procedure, 1973 — Section 439

Citation : (2026) 08 KAR CK 2087

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Sri Ramamurthy N., Sri Rangaswamy R.

Final Decision : Allowed

Judgement

1. Accused Nos.1 to 3 in Spl.Case.No.88/2026 pending on the file of Principal District and Sessions Judge, Chikkaballapura, arising out of Crime No.25/2026 registered by the Chintamani Rural Police Station for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act, 1985'), are before this Court in this criminal petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'BNSS, 2023') seeking regular bail.

2. Heard learned counsel appearing for the petitioners and learned HCGP appearing for the respondent-State.

3. FIR in Crime No.25/2026 was registered by the Chintamani Police Station for the aforesaid offence against the petitioners herein based on the first information dated 20.01.2026 received from Sri.Murulidhara.P, Deputy Superintendent of Police, Chintamani. In the said case, the petitioners were arrested on 20.01.2026 and remanded to judicial custody. Investigation of the case has been completed and charge sheet has been filed against the petitioners for the aforesaid offence. The bail application of the petitioners filed before the Trial Court in

Spl.Case.No.88/2026 was rejected on 01.06.2026. Therefore, the petitioners are before this Court.

4. Learned counsel for the petitioners submits that there is no compliance of Section 50 of the NDPS Act, 1985, though there is recovery of certain articles from the person of the arrested accused. Investigation of the case is now completed and charge sheet has been filed. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP, who has opposed the petition submits that accused No.1 is a person with criminal antecedent and there is another case registered against him for similar offence in the year 2025. He submits that seized contraband article is of commercial quantity and accordingly, he prays to dismiss the petition.

6. FIR in the present case was registered against the petitioners herein based on the first information dated 20.01.2026 received from Sri.Muralidhar.P., Dy.SP. attached to Chintamani Police Station. In the first information dated 20.01.2026, it is stated that the first informant had received credible information about three persons, who had arrived in a car bearing Odisha State registration number, were in possession of contraband article allegedly ganja and they were attempting to sell the same to public. On receipt of such information, a raid was conducted at the alleged spot where the car bearing Registration No.OD-7-K-9697 was parked and the petitioners, who were the inmates of the said car were apprehended and from their possession, contraband article allegedly Ganja totally weighing 20 kg and 80 grams was recovered and seized under a Panchanama.

7. Seizure Mahazar dated 20.01.2026 would go to show that in addition to seizure of the aforesaid contraband article ganja from 9 packets, the Police have also recovered three mobile phones from the pocket of the accused persons under the very same Mahazar. The Gazetted Officer, for the purpose of Section 50 of the NDPS Act, 1985, is the first informant in the present case, who had conducted the raid along with the staff after receiving credible information. Therefore, he cannot be considered as an independent Gazetted Officer as held by the Hon'ble Supreme Court in the case of **STATE OF RAJASTHAN vs. PARMANAND AND ANOTHER** reported in **(2014) 5 SCC 345**. In addition to the same, a reading of Section 50 notice issued by the first informant/Gazetted Officer would go to show that the said notices are in Kannada vernacular language and even the reply to the said notices is in Kannada, by the accused, who are from Odisha State. The said notices are signed by the accused in English and Hindi, respectively.

8. Considering the aforesaid aspects of the matter, *prima-facie*, it appears that there is non compliance of the requirement of Section 50 of the NDPS Act, 1985 in the present case, which is mandatory in nature. In the case of **VIJAY SINH CHANDUBHA JADEJA vs. STATE OF GUJARAT** reported in **(2011) 1 SCC 609**, the Hon'ble Supreme Court has observed that non-compliance of Section 50 of

the NDPS Act, 1985 would vitiate the recovery mahazar and conviction based on such recovery is bad in law.

9. Undisputedly, the petitioners are from Odisha State. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following order:

ORDER

i) The criminal petition is allowed.

ii) The petitioners are directed to be enlarged on bail in Spl.Case.No.88/2026 pending on the file of Principal District and Sessions Judge, Chikkaballapura, arising out of Crime No.25/2026 registered by the Chintamani Police Station for offence punishable under Section 20(b)(ii)(B) of the NDPS Act, 1985, subject to the following conditions:

a) Each of the petitioners shall execute personal bond for a sum of Rs.2,00,000/- with two sureties, out of which one shall be a local surety, for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.