

(2011) 02 KAR CK 0127

In the Karnataka High Court

Case No : Criminal Petition No. 44 of 2011

M.P. Naveen and Abdul Ghani

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 01-02-2011

Acts Referred:

Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 20 (b) (i)

Citation : (2011) 02 KAR CK 0127

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : B.S. Prasad, for the Appellant; P.M. Nawaz, Addl. SPP, for the Respondent

Final Decision : Allowed

Judgement

V. Jagannathan, J.—Heard the Petitioners' Counsel and also the learned Addl. SPP for the Respondent-State in respect of bail sought by the Petitioners who are accused Nos. 2 & 3 in FIR No. 119/10, registered for an offence punishable u/s 20(b)(i) of N.D.P.S. Act.

2. The case of the prosecution in short is that, in the car which was driven by the 2nd Petitioner and 1st Petitioner was also found, it was noticed that there were ganja leaves weighing about 29.5 K.gs kept into gunny bags and based on the credible information obtained by the complainant, the car was seized along with the aforementioned quantity of ganja and a case was registered against three accused persons.

3. Submission of the Petitioners' Counsel is that, the 1st Petitioner is a forest guard and due to enmity, he has been implicated in the case. Moreover, the 1st Petitioner was also the recipient of the Certificate of Appreciation issued by the Government, Forest Department for having assisted in unearthing the ivory and 2nd Petitioner was only a driver of the car. As such, the Petitioners be released on bail by imposing conditions.

4. Submission of the learned Addl. SPP for the State is that, the aforementioned offence attracts the punishment up to 10 years or more than, depending upon the quantity seized, where the quantity of ganja comes under the commercial quantity or not.

5. Having regard to the aforesaid submissions put forward and likelihood of the Petitioners absconding or tampering with the evidence also being not put forward, I am of the view that the Petitioners be released on bail by imposing conditions to safeguard the prosecution interest.

6. Hence, I pass the following order:

Petition is allowed and bail is granted to the Petitioners, subject to the following conditions:

(i) Petitioners shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with two sureties for the likesum to the satisfaction of the trial court.

(ii) They shall not tamper or attempt to tamper any of the prosecution witnesses.

(iii) They shall not give threat to the prosecution witnesses in any manner.

(iv) They shall mark their attendance before the concerned police station on every Saturday between 10 a.m. and 5 p.m.