



CNR: KAHC010379592026

NC: 2026:KHC:41182
CRL.P No. 7986 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.7986 OF 2026

BETWEEN:

SADAF G MOHAMMED
S/O G SIRAJ
AGED ABOUT 26 YEARS
R/AT 12-126/1
SAFHAZ SADAF MANZIL
HOODE VILLAGE
TONSE WEST POST
UDUPI TALUK
UDUPI-576 115

...PETITIONER

(BY SMT. HALEEMA AMEEN, ADVOCATE)

AND:

THE STATE
BY MALPE POLICE
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001

...RESPONDENT

(BY SRI. M DIVAKAR MADDUR, HCGP)

THIS CRL.P IS FILED U/S 482 OF BNSS (U/S 438 OF CRPC) PRAYING TO DIRECT THE MALPE POLICE TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN

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Location: HIGH
COURT OF
KARNATAKA



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CR.NO.38/2026 REGISTERED BY MALPE P.S., FOR THE OFFENCES P/U/S 8(a), 8(c), 20(b)(ii)(A), 20(b)(ii)(B) OF NDPS ACT AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This petition is filed by the petitioner praying this Court to direct the Malpe Police to enlarge the petitioner on bail in the event of his arrest in Crime No.38/2026 of Malpe Police Station registered for the offences punishable under Sections 8(a), 8(c), 20(b)(ii)(A), 20(b)(ii)B of NDPS Act.

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

3. The factual matrix of case of prosecution while implicating this accused is that on credible information, when the vehicle involved in the accident was subjected to mahazar, found 173.42 grams of ganja packets in the car and the same



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was seized and crime was registered in Crime No.38/2026 of Malpe Police Station.

4. The case of the petitioner is that his name is not shown in the FIR but the police are repeatedly coming to his house to apprehend him. Hence, there is an apprehension of arrest. Hence, the petitioner has approached the Trial Court seeking the relief of anticipatory bail and the same was rejected by the Sessions Judge having considered the aspect of seizure of 173.42 grams of ganja and an observation is made that investigation is still in progress and prosecution specifically contended that petitioner has not cooperated with the investigating officer and has evaded arrest. Further, the prosecution claims custodial interrogation of the petitioner to be necessary to ascertain the source of the contraband, the chain of supply, involvement of other persons.

5. The counsel appearing to the petitioner would contend that name of this petitioner is not found in the FIR. The counsel would contend that at the time of conducting the mahazar in respect of the vehicle involved in the accident in respect of Crime No.37/2026, ganja 173.42 grams was found



and this petitioner was not in the place when the mahazar was conducted but police are making an attempt to apprehend this petitioner without any material. The Learned Sessions Judge fails to take note of the said fact when there is an apprehension of arrest and ought to have granted anticipatory bail to the petitioner.

5. Per contra, the learned High Court Government Pleader appearing for the State would submit that there are 8 cases against this petitioner and he is an habitual offender. Hence, prays this Court to reject the petition.

6. In reply to this argument, the counsel appearing for the petitioner relied upon the judgment reported in **(2020) 11 SCC 648** in the case of **PRABHAKAR TEWARI vs STATE OF UTTAR PRADESH AND ANOTHER** wherein it is held that the prior antecedents are not the grounds to reject the bail and factors based on which grant of bail may be interfered with in question being grave and serious and non-application of mind on part of court in granting bail and opinion of court in granting bail is not borne out from prima facie view of evidence on record and multiple cases against him is not the criteria for



rejection of the bail. Also an observation is made that no doubt, if offence alleged is grave and serious and there are several criminal cases pending against the accused, such factors by themselves, cannot be basis for refusal of prayer for bail and a holistic view has to be taken of all facts and circumstances, as has been done by the High Court in the present case.

7. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that counsel appearing to the State in respect of this incident is concerned, not submitted any material against this petitioner and not disputed that this petitioner was not present at the spot and also not disputed that his name is not shown in the FIR and only contend that there are 8 cases against this petitioner.

8. Having considered the principals laid down in the judgment referred supra relied upon by the counsel for the petitioner and going to the factual aspects of this case, it discloses that when the vehicle was subjected to inspection and mahazar in connection with Crime No.37/2026, ganja was found to the extent of 173.42 grams and at the time of



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mahazar, this petitioner was not present and vehicle also not belongs to him. In Crime No.37/2026, he is not the accused. The apprehension is that the police are repeatedly visiting his house and there is an apprehension of arrest. Even though his name is not shown in the FIR, there is an apprehension of arrest. Merely because 08 cases are filed against this petitioner, this is not the ground to arrest the petitioner. Having considered the factual aspects of this case and gravity of the offence and his name is not found in the FIR, it is a fit case to exercise the powers of this Court to grant the anticipatory bail with conditions in view of apprehension of arrest.

9. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.38/2026 of Malpe Police Station registered for the offences punishable under Sections 8(a), 8(c), 20(b)(ii)(A), 20(b)(ii)B of NDPS Act, subject to the following conditions:-



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- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the like-sum to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission till the charge sheet is filed or for a period of three months, whichever is earlier.



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- (v) The petitioner shall mark his attendance once in a month i.e., on 30th of every month between 10.00 am and 5.00 pm., before the Investigating Officer for a period of three months or till the charge sheet is filed, whichever is earlier.

Sd/-
(H.P.SANDESH)
JUDGE

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