

(2023) 08 KAR CK 0031
In the Karnataka High Court
Case No : Criminal Petition No. 4139 Of 2023

Yogesh N

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 23-08-2023

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 20(b), 60
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2023) 08 KAR CK 0031

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Umesh N, Sowmya R

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.2 in Crime No.86/2022-23 registered by Excise Police Station, Ramanagara Sub-Division, for offences punishable under Sections 20(b) 60, 8(c) of NDPS Act, 1985 is before this Court under Section 438 of Cr.P.C.

2. Heard the learned counsel for the parties.

3. It is the case of the prosecution that on 05.01.2023 at about 8.10 am complainant Raghavendra, Inspector of Excise along with his staff while on patrolling duty received credible information that a person was transporting narcotic drug. On the basis of the said information, complainant and his staff intercepted the motor cycle bearing registration No.KA-42-EE-3421 and on verification it was found that the rider of the said bike namely Gowtham (accused No.1) was carrying narcotic drug known as crystal meth weighing about 3.397 grams. The said drug was seized along with motor bike under a mahazar and thereafter, the seized article as well as accused No.1 were produced before the Police Station and F.I.R. was registered in Crime No.86/2022-23 for the aforesaid offences. Apprehending his arrest in the said case, petitioner who is the brother

of accused No.1 had filed Crl.Misc.No.192/2023 before the Court of the Principal District and Sessions Judge, Ramanagara and the same was dismissed on 21.03.2023. Under these circumstances, petitioner is before this Court.

4. Learned counsel for the petitioner has reiterated the grounds urged in the petition and prays to allow the petition.

5. Per contra, the learned HCJP has opposed the bail application and stated that petitioner is the owner of the bike, which has been seized and prays to dismiss the petition.

6. Material on record would go to show that on credible information the complainant had intercepted accused No.1 who was riding the motor cycle bearing registration No.KA-42-EE-3421 and from the possession of accused No.1-Gowtham, Police has seized contraband drug which is of intermediate quantity. Accused No.1 has been arrested in the said case. Learned counsel for the petitioner submits that accused No.1 has been now released on statutory bail. So far as the petitioner is concerned, only allegation is that he is the owner of the bike, which was driven by accused No.1 Except this, there is no other material to connect the petitioner to the crime. Under these circumstances, I am of the view that, petitioner has made out a prima facie case for grant of anticipatory bail. Accordingly, the following:

ORDER

The petition is allowed.

The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.86/2022-23 registered by Excise Police Station, Ramanagara Sub-Division, for offences punishable under Sections 20(b) 60, 8(c) of NDPS Act, 1985, subject to the following conditions:

1. The petitioner shall execute a personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the investigating officer.
2. The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.
3. The petitioner shall not tamper with the prosecution witness and he shall co-operate with the Police for investigation and appear before them whenever called upon.
4. The petitioner shall not involve in similar offences in future.