

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD
DATED THIS THE 28TH DAY OF FEBRUARY, 2011
BEFORE
THE HON'BLE MR. JUSTICE V. JAGANNATHAN
CRL.P.NO.10235/2011

BETWEEN

SRI.ARUN S/O NAGAPPA DESAI,
AGE: 49 YEARS, OCC: SERIVCE,
R/O HALASHIWADI, TQ: KHANAPUR,
DIST: BELGAUM.
AT PRESENT R/AT POLICE QTS,
FATHORDA, MARGAON, GOA.

... PETITIONER

(By Sri. RAMACHANDRA MALI, ADV.)

AND

STATE OF KARNATAKA
REP.BY APMC POLICE STATION, BELGAUM.
NOW REP.BY SPP, HIGH COURT OF KARNATAKA
CIRCUIT BENCH,
DHARWAD.

... RESPONDENT

(By Sri.ANAND KUMAR K. NAVALGIMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 OF
CR.P.C. SEEKING TO ENLARGE THE PETITIONER ON BAIL
IN APMC P.S. CRIME NO.07/2011 REGISTERED FOR THE
OFFENCES P/U/S 20(B), 21, 22 AND 23 OF NDPS ACT.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard petitioner's counsel and learned Government Pleader for the State in respect of bail sought by the petitioner who is A-5 in Cr.No.7/11 of APMC Yard police station in respect of offences alleged under sections 20(B), 21, 22, 23 of NDPS Act.

2. The case of the prosecution in short is that, a Maruthi Omni vehicle driven by this petitioner was intercepted on 11.1.2011 at about 2.00 p.m by the police and on checking the said vehicle, they found the inmates of the vehicle i.e. A-1 to A-4 carrying with them hashish. One of the person was found carrying 650 gms, 2nd person was carrying 550 gms, 3rd person was carrying 800 gms, and 4th person was carrying 600 gms of hashish and thus totally 2600 kgs worth



Rs.26,00,000/-. From this petitioner, nothing was recovered.

3. Learned counsel for the petitioner submitted that this petitioner was going in the Maruthi van to his sister's place and he is an employee of the Government of Goa working as Head Constable and has got a very good record and he is also awarded with merit certificates for his service and has put in more than 20 years in the police Department. He was only driving the vehicle and was unaware of what the inmates were carrying with them. Therefore, the petitioner be released on bail.

4. Submission of learned Government Pleader is that, the recovery was effected from the inmates of the vehicle i.e. A-1 to A-4 and nothing was found in possession of this petitioner.



5. Having thus heard both sides and after going through the objections filed by the State and also the fact of hashish being recovered from the possession of A-1 to A-4, this petitioner being the driver and being found with no such contraband in his possession and also taking note of the employment as an Head Constable in Goa Police, likelihood of this petitioner absconding therefore will not arise and hence I pass the following order.

1. The petitioner shall be released on bail on his executing a personal bond for Rs.25,000/- with two sureties for the likesum to the satisfaction of the trial court.
2. He shall not tamper with the evidence and shall not give threat to the witnesses in any manner.
3. He shall mark attendance before the jurisdictional police station on every Sunday between 10.00 a.m and 5.00 p.m.



4. He shall not involve himself in like offences in future.
5. He shall not leave the head quarters without previous permission of the jurisdictional Magistrate.

**Sd/-
JUDGE**

Dvr: