



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF MARCH, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE V SRISHANANDA**

**CRIMINAL PETITION NO.1903 OF 2023**

**BETWEEN:**

SALEEM PASHA @ GOONSA SALEEM  
S/O MOHAMMAD AMEERJAN  
AGED 48 YEARS,  
R/O WARD NO.19, 5TH CROSS,  
MEHBOOB NAGAR (REHAMANIA NAGAR)  
RAMNAGARA TOWN-562159

...PETITIONER

(BY SRI G MURALIDHAR, ADVOCATE)

**AND:**

THE STATE OF KARNATAKA  
BY RAMNAGARA TOWN POLICE  
RAMNAGARA DISTRICT-562159  
REP. BY SPP HIGH COURT  
BANGALORE-560001

...RESPONDENT

(BY SRI S.VISHWAMURTHY, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN THE CR.NO.6/2023 REGISTERED RAMANAGARA TOWN POLICE STATION, RAMANAGARA DISTRICT FOR THE OFFENCE U/S 20(B)(ii)(B) OF THE NDPS ACT, PENDING ON THE FILE OF PRL. DIST. AND SESSIONS JUDGE, RAMANAGARA.

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



**ORDER**

1. Heard Sri G. Muralidhar, learned counsel for the petitioner and Sri S. Vishwa Murthy, learned High Court Government Pleader.

2. Petition is filed under Section 438 Cr.P.C. with the following prayer:

*"Wherefore, the petitioner above named respectfully prays that this honorable court may be pleased to pass on order at anticipatory bail directing the respondent that if the petitioner is arrested in crime No.06/2023 of Ramanagara Town police station now before principal District and Sessions Judge, Ramanagar for alleged offence U/S 20(b) (ii) (B) of the NDPS Act he shall be released on bail by the respondent in the interest of justice."*

3. Upon the report lodged by Akasha, Sub-Inspector of Police, Ramanagara, Town Police Station, Station House Officer of Ramanagara Town Police registered a case in Cr.No.6/2023 on 06.01.2023 for the offences punishable under Section 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')



4. Gist of the report reveals that the head of the raid party having received the credible information, proceeded to the spot that at P.S.V. Nagar, near Jangli pitch and waited for the suspects. After some time, two persons came there and they were having suspicious movement. Immediately the raid party raided them and they were successful in apprehending one person and on enquiry he has revealed the name of the present petitioner. The raid party was also able to seize ganja to the tune of 1 kilo 112 grams. Thereafter the persons who have been taken to custody, seized ganja along with the report were handed over to the Station House Officer, Ramanagara Town Police, who in turn registered the case and arrested the person and is investigating the matter.

5. The present petitioner is the person who said to have ran away from the spot approached the District Court for grant of anticipatory bail in Crl.Misc.No.90/2023.

6. The learned Principal District and Sessions Judge, Ramanagara after hearing the prosecution, rejected the anticipatory bail by order dated 14.02.2023. Thereafter, petitioner is before this Court.



7. Learned counsel for the petitioner Sri Muralidhar reiterating the grounds urged in the petition, contended that seized ganja is more than the small quantity and less than the commercial quantity and he has been falsely implicated in the case and sought for grant of anticipatory bail.

8. Per contra, learned High Court Government Pleader reiterating the grounds urged in the objection statement opposed bail.

9. Perused the material on record meticulously in view of the rival contentions of the parties. On such perusal it is seen that on the day of raid, head of the raid party is able to arrest the co-accused and taken him to the custody and seized ganja to the tune of 1 kilo, 112 grams. Admittedly, petitioner is the person said to have ran away from the spot.

10. Whether he was involved in transportation and sale of ganja or not which is to be investigated by the Investigating Agency.

11. Suffice to say that the material on record would show that the seized ganja is not a commercial quantity and



not a small quantity and therefore it is treated as intermediary in quantity. Abscondance of the accused is crippled the investigation process as well. Taking note of these aspects of the matter, if the petitioner is directed to join the investigation and to undergo limited period of custodial investigation, ends of justice would be met.

Accordingly, following order is passed:

**ORDER**

1. The criminal petition is ***allowed***.
2. Petitioner is directed to join the investigation by appearing before the Investigation Officer on **11.04.2023** at 10.00 a.m.
3. The Investigation Officer is at liberty to take the petitioner to custody and complete the custodial investigation if any, on the same day before 6.00 p.m.
4. The petitioner shall co-operate with the Investigating Agency in all aspects of the matter including furnishing signature and thumb impression etc., Thereafter, the petitioner be enlarged on bail, by taking a bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum.
5. Petitioner shall attend the Court regularly.



6. Petitioner shall mark his attendance before the Investigating Officer on every alternate Sunday between 10.00 am and 2.00 pm., till the final report is filed.
7. Petitioner shall not directly or indirectly tamper the prosecution evidence or hamper the investigation process in any manner.
8. Petitioner shall not leave the jurisdiction of Ramanagara District without prior permission.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.

Sd/-  
**JUDGE**