

Karnataka High Court
Gagan Kumar W V vs State Of Karnataka on 2 May, 2023
Bench: G Basavaraja

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CRL.P No. 3227 of 2023 A/w
CRL.P.No.3584 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE G BASAVARAJA
CRIMINAL PETITION NO. 3227 OF 2023
A/W
CRIMINAL PETITION NO. 3584/2023

IN CRIMINAL PETITION NO. 3227 OF 2023
BETWEEN:

1. GAGAN KUMAR W.V.,
S/O VASANTH KUMAR W.V.
AGED ABOUT 26 YEARS,
R.AT KANTHARU MURNAD
MADIKERI TALUK, KODAGU TALUK
KODAGU DISTRICT - 571 252
2. NIROOP S., S/O SOMAIAH NAIK
AGED ABOUT 27 YEARS,
PRESENTLY R/AT BEHIND VIJAYA VINAYAKA TEMPLE,
MADIRKERI, KODAGU DISTRICT - 571 201

Digitally signed
by RAMYA D
Location: High
Court of
Karnataka

PERMANENT R/O

KARIAPPA EXTENSION
KUSHALNAGAR, KODAGU DISTRICT - 571 234

...PETITIONERS

(BY SRI. LETHIF B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MADIKERI TOWN POLICE STATION,
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE - 560 001

...RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)

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THIS CRL.P IS FILED U/S.439 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO RELEASE THEM ON BAIL FOR THE OFFENCE UNDER SECTION 20(b) (ii) B OF NDPS ACT, REGISTERED IN CR.NO.8/2023 OF MADIKERI TOWN P.S., KODAGU DISTRICT PENDING BEFORE PRINCIPAL CIVIL JUDGE (JR.DN) AND JMFC COURT MADIKERI, KODAGU KISTRICIT IN THE INTEREST OF JUSTICE.

CRIMINAL PETITION NO. 3584/2023

BETWEEN:

1. KARAN KUMAR A.G. S/O GANESH A.R.
AGED ABOUT 27 YEARS,
R/AT HAKATHUR VILLAGE,
MADIKERI TALUK
KODAGU DISRICT-571252

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MADIKERI TOWN POLICE STATION,
REP. BY SPP
HIGH COURT BUILDING
BANGALORE-560001

...RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)

THIS CRL.P IS FILED U/S.439 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO RELEASE HIM ON BAIL FOR THE OFFENCE P/U/S 20(b) (ii) (B) OF NDPS ACT, REGISTERED IN CR.NO.8/2023 OF MADIKERI TOWN POLICE STATION, KODAGU DISTRICT, PENDING BEFORE PRINCIPAL SESSIONS JUDGE AND JMFC KODAGU AT MADIKERI IN THE INTEREST OF JUSTICE.

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

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CRL.P.No.3584 of 2023

COMMON ORDER

Heard Sri. Lathif B, learned counsel for the petitioner and Sri.H.S.Shankar, learned High Court Government Pleader for the respondent-State. Perused the records.

2. The present petition is filed under Section 439 of Cr.P.C.

3. On the basis of complaint filed by Sri. Pradeep Kumar M.N-Police officer, the Madikere Town police have registered the case against four unknown accused for the commission of offence punishable under Section 20(ii)(b) of NDPS Act.

4. During the course of investigation, the Investigating officer has seized total quantity of 2KG 447 Gms of Ganja worth about Rs.62,000/-. Panchanama reveals that the police have seized 1 Kg 671 gms from the possession of accused No.1, 716 gms of ganja seized from the possession of accused Nos.3 and 4 under mahazar.

5. It is submitted by the learned counsel for the accused that the IO has not complied the mandatory provisions

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of Sections 41, 42, 43 and 50 of NDPS Act. Hence sought for allowing this bail application.

6. On perusal of remand application it is clear that the accused were arrested on 24.02.2023, alleged incident had took place on 24.02.2023. From the date of arrest the accused are in judicial custody. The accused are not required for further investigation.

7. Considering the nature and gravity of offence and quantity of Ganja seized from the possession of accused and also keeping in the mind of accused that previously have not convicted in any offence. I am of the opinion that it is just and proper to release the accused on bail with conditions. Accordingly, I proceed to pass the following:

ORDER

i. The criminal petitions are allowed. ii. Petitioners/accused Nos.1 to 3 are directed to be enlarged on bail by taking a bond in a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety each for the likesum to the satisfaction of the trial court.

CRL.P No. 3227 of 2023 A/w CRL.P.No.3584 of 2023 iii. The petitioners/accused Nos.1 to 3 shall not tamper or threaten the prosecution witness in any manner.

iv. The petitioners/accused Nos.1 to 3 shall assist the IO for investigation.

Sd/-

JUDGE BH