

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2022

BEFORE

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

CRIMINAL PETITION NO.9518/2021

BETWEEN:

SANNALA SRI DURGA RAKESH KUMAR
S/O.SANNALA GANTAYYA
AGED ABOUT 21 YEARS
R/AT BLOCK-4, TF-6
JNNURM BUILDING
NEAR GURUKULAM
MARIKAVALASA MADHURAWADA
VISHAKHAPATNAM RURAL
KOMMADI, VISHAKHAPATNAM
ANDRA PRADESH- 530 048.

... PETITIONER

(BY SRI VEERESHA E., ADVOCATE)

AND:

STATE BY NARCOTICS CONTROL
BUREAU,(NCB),
BENGALURU ZONAL UNIT
REP. BY GOVERNMENT PLEADER
HIGH COURT OF KARNATAKA BUILDING
DR.AMBEDKAR VEEDHI
BENGALURU-560001.

... RESPONDENT

(BY SRI M.R. BALAKRISHNA, CGC)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439
OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN

N.C.B.F.NO.48/1/22/2021/BZU OF THE N.C.B. POLICE STATION, BENGALURU ZONAL UNIT FOR THE OFFENCE PUNISHABLE UNDER SECTION 8(C), R/W SECTIONS 22(a)(b)(c), 27, 28, 29 OF N.D.P.S. ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS '**THROUGH VIDEO CONFERENCE**' THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner/accused No.5 in N.C.B.F.No.48/1/22/2021/BZU of the Narcotics Control Bureau (NCB), Bengaluru Zonal Unit for the offence punishable under Section 8(C) read with Sections 22(a)(b)(c), 27, 28 and 29 of NDPS Act.

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

3. The factual matrix of the case is that on 22.10.2021 at about 8.10 hours, the complainant has received the credible information that a person by name Praneeth, aged around 20 years, will cross Devanahalli Toll Gate from Bengaluru City to

Hyderabad in red coloured swift car bearing No.AP-37-DS-2191 along with other accused persons carrying 21 grms of MDMA pills, 40 grams of Methamphetamine, 3 grams of Methaqualone and 0.5 grams of ganja. The seized articles are commercial quantity and the punishment is up to 10 to 20 years and the matter is under investigation.

4. Learned counsel appearing for the petitioner would submit that this petitioner is in custody from two months and he is only an occupant of the car and from his conscious possession, nothing is recovered. Hence, he may be enlarged on bail and there is no need of custodial interrogation.

5. Per contra, learned Central Government Counsel appearing for the respondent-State would submit that the ganja seized is only a commercial quantity and the punishment for the same would be up to 10 to 20 years. Apart from that, he would also submit that the matter is under investigation and at this juncture, the petitioner cannot be enlarged on bail, unless the supplier of the MDMA manufactured drug is apprehended.

Hence, it is not a fit case to exercise the discretion in favour of the petitioner.

6. Having heard the respective counsel and also on perusal of the material available on record, it is seen that commercial quantity of 21 grams of MDMA drug is seized and apart from that, other types of drugs is also seized and the quantity is commercial quantity. It is also important to note that the drugs which were seized are manufactured drug about 41 grams and not a narcotic substance. Hence, it is not a fit case to exercise the discretion under Section 439 of Cr.P.C. during the course of the investigation and the presence of the petitioner is required for further investigation in the matter and charge-sheet is not yet filed.

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

ORDER

- (i) The Criminal Petition is rejected.

- (ii) However, liberty is reserved to the petitioner to approach this Court, after filing of charge-sheet.

**Sd/-
JUDGE**

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