

Sheikh Taheem vs the State

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Court : Karnataka

Decided On : Mar-24-2026

Judge : S Rachaiah

Appeal No. : CRL.P/1158/2026

Appellant : Sheikh Taheem

Respondent : The State

Advocate for Pet/Ap. : Mrs. Haleema Ameen

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO.1158 OF 2026 (439(Cr.PC) / 483(BNSS)) BETWEEN: SHEIKH TAHEEM S/O AZEEZ AHAMMED, AGED ABOUT 20 YEARS, R/AT DOOR NO.3-2-39, GF 1, BLUE MOON APARTMENT,

Digitally signed by AMBALPADI MAIN ROAD, SREEDHARAN BANGALORE SUSHMA UDUPI-576013 LAKSHMI Location: High Court of PETITIONER

Karnataka (BY MRS. HALEEMA AMEEN, ADVOCATE) AND: THE STATE -2- BY KAVOOR POLICE STATION, REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA BANGALORE-560001 RESPONDENT (BY MR. RANGASWAMY R., HCGP) THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.193/2024 OF KAVOOR POLICE STATION, SPL.CASE NO.105/2025 REGISTERED FOR OFFENCES P/U/S 8(c), 21(c), 22(c) OF NDPS ACT, PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE, D.K., DISTRICT MANGALORE.THE DISTRICT AND SESSIONS JUDGE, D.K., DISTRICT MANGALORE HAS REJECTED THE BAIL PETITION ON 07.07.2025 IN SPL.C.NO.105/2025. THIS CRL.P, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH -3-

ORAL ORDER

1. The petitioner - accused No.3, is before this Court

seeking for grant of regular bail in Special Case No.105/2025 pending on the file of learned Principal District and Sessions Judge, D.K., Mangaluru, arising out of Crime No.193/2024 filed by respondent / police for offences under Sections 8(c), 21(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short Act).

Brief facts of the case:

2. The case of the prosecution is that, a complaint came to

be registered by the complainant stating that, when he was on patrolling duty along with his staff, three persons were standing near Palguni River. Suspecting them, the complainant and his staff approached them and enquired as to why they were standing in the said area. However, the

individuals attempted to escape from the spot using their respective vehicles, but they were apprehended by the complainant and his staff. During further enquiry, the accused disclosed their identities, and upon search of -4-

their persons, contraband was found in their possession. The said contraband was thereafter seized in accordance with the procedure prescribed under the Act. Thereafter, they were sent to judicial custody. The respondent - police after registering the case, conducted investigation and submitted the charge sheet.

3. Heard Mrs. Haleema Ameen, learned counsel for the petitioner and Mr. Rangaswamy R., learned High Court Government Pleader for the respondent - State.

4. The submission of the learned counsel for the petitioner is

that, the petitioner is arraigned as accused No.3. Initially, it is alleged that, 70 grams of MDMA was seized. However, on sending the said contraband to the Tahsildar for examination/chemical analysis, it is found that it is Methamphetamine.

5. It is further submitted that the petitioner is not a habitual

offender. In fact, he has been falsely implicated in this case. No criminal antecedents are alleged against him either of similar nature or any other criminal case. The -5-

petitioner is the earning member of the family. He is the resident of Ambalapadi, Udupi and he is in judicial custody since 19.12.2024. Hence, the petitioner may be enlarged on bail by imposing suitable conditions. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submissions, learned counsel for the petitioner prays to allow the petition.

6. Per contra, learned High Court Government Pleader for

the respondent - State, vehemently submitted that a huge quantity of Methamphetamine was seized at the instance of the petitioner. It is a commercial quantity. Though it appears that the petitioner is the first time offender, there may be chances of either committing similar offences or chances of absconding from the case. Therefore, it is not appropriate to grant him bail. Making such submissions, learned High Court Government Pleader prays to reject the petition.

7. Having heard the learned counsel for the respective parties and perused the averments of the charge sheet, it would indicate that the complainant and his team were on -6-

patrolling duty on 18.12.2024 and they found three persons were standing near Pulguni River. The complainant and his team enquired them as to why they were standing near the said river. In the meantime, the individuals were trying to escape from their clutches. The complainant and his team apprehended them and on enquiry, they disclosed their identity and stated that they were planning to sell the contraband to the public and hence, they were standing in the said area. On receiving the said information, a search was conducted in the presence of the gazetted officer and the contraband was seized from the respective persons. The petitioner is arraigned as accused No. 3.

8. It is alleged that, 70 grams of MDMA was seized, it was

sent for chemical analysis and it was found to be 70 grams of Methamphetamine. Though it is a commercial quantity, the fact remains that, the petitioner is not a habitual offender. Having considered that no criminal antecedents are alleged against the present petitioner, it is appropriate to grant him bail, by imposing suitable -7-

conditions that would take care of the apprehension of the prosecution.

9. Hence, I proceed to pass the following:-

ORDER

(i) The Criminal Petition is allowed.

(ii) The petitioner is ordered to be

enlarged on bail in Special Case No.105/2025 pending on the file of learned Principal District and Sessions Judge, D.K., Mangaluru, arising out of Crime No.193/2024 filed by respondent / police for the offences stated supra, on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the Trial Court.

(iii) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(iv) The petitioner shall not involve in any similar activities or any other criminal cases till disposal of the case. -8- In case the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail. Sd/- (S RACHAIAH) JUDGE Bss List No.: 1 Sl No.: 34

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