

State of Karnataka vs Rameez Raz

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Court : Karnataka Orders

Decided On : Jun-23-2026

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/13374/2025

Appellant : State of Karnataka

Respondent : Rameez Raz

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026 BEFORE THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 13374 OF 2025 BETWEEN: STATE OF KARNATAKA BY CYBER, ECONOMIC AND NARCOTICS CRIME POLICE STATION, DAKSHINA KANNADA DISTRICT, MANGALURU REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDING BENGALURU - 560 001. PETITIONER (BY SMT. RASHMI JADHAV, ADDL. SPP) AND: RAMEEZ RAZ S/O HUSSAIN AGED ABOUT 33 YEARS RESIDING AT D.NO.2-392 THOUDUGOLI CROSS NARINGANA VILLAGE Digitally BANTWAL TALUK - 575 018 signed by D.K. DISTRICT. NANDINI M S

Location: RESPONDENT HIGH COURT OF (BY SRI JINENDRA B, ADV.) KARNATAKA THIS CRL.P IS FILED U/S 439(2) CR.PC (FILED U/S 483(3) OF BNSS) THAT TO CANCEL THE ORDER GRANTING BAIL TO RESPONDENT/ACCUSED VIDE ORDER DATED 15.03.2025, PASSED BY THE PRL.DISTRICT AND SESSIONS JUDGE, DAKSHINA KANNADA, MANGALURU IN SPECIAL CASE NO.150/2023.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY -2-

ORAL ORDER

1. This petition is filed under Section 483(3) of BNSS,

2023 R/w Section 439(2) of IPC with a prayer to cancel the regular bail granted to respondent by the Court of Principal District & Sessions Judge, D.K, Mangaluru, in Spl.Case.No.150/2023 dated 15.03.2025.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.105/2022 was registered by CEN

Crime Police Station, Mangaluru City, for the offence punishable under Section 34 of IPC, Section 8(c), 20(b)(ii)(C), 29 & 27(b) of NDPS Act, 1985 and Section 4, 25(1-B)(b) of Indian Arms Act, 1985 . In the said case, the petitioner was arrested on 17.11.2022 and remanded to judicial custody. After completing investigation, charge sheet was filed in the present case as against 6 persons and petitioner is arrayed as accused no.1 in the charge sheet. Trial Court vide the order impugned dated 15.03.2025 has granted regular bail to the respondent herein in Special Case No.150/2023. Aggrieved by the same, the State is before this Court. -3-

4. Learned Additional SPP submits that, petitioner is a

person with criminal antecedents and seized contraband article is of commercial quantity. The trial Court was therefore, not justified in granting regular bail to the petitioner. She also submits that, the trial Court was also not justified in observing that mandatory requirement of Section 42 and 43 of NDPS Act has not been complied in the present case. Accordingly, she prays to allow the petition.

5. Per contra, learned counsel for the respondent

submits that, present case before the trial Court is still at the stage of framing charges. The petitioner was in custody in the present case for a period of more than two and a half years. All other accused except the petitioner are granted regular bail in the present case earlier. The petitioner has not violated any of the bail conditions. Accordingly, he prays to dismiss the petition.

6. The petitioner was arrested in the present case on

17.11.2022. As on the date the petitioner's bail application was considered by the Trial Court, the case was still at the stage of -4- framing of charges. Even on this date the case before Trial Court is in the same stage.

7. The Hon'ble Supreme Court in the case of Chitta

Biswas Alias Subhas vs. State of West Bengal reported in 2020 SCC OnLine SC 1536 taking into consideration that the accused was in custody for a period of one year seven months and there was no sufficient progress in trial, without expressing any opinion on merits and demerits of the case, has granted regular bail to the accused. In the case of Nitish Adhikary alias Bapan vs. State of West Bengal reported in 2022 SCC OnLine SC 2068 in a case where charge sheet was filed for the offences punishable under Sections 21(c) and 37 of the NDPS Act and accused was in custody for a period of one year seven months, the Hon'ble Supreme Court has granted regular bail on the ground that trial is still in the preliminary stage, as only one witness was examined.

8. The rigor under Section 37(1)(b) of the NDPS Act

cannot comes in the way of Court considering a bail application of an accused, who is in custody for a considerable period of time. The law in this regard has been laid down by the Hon'ble -5- Supreme court in the case of MOHD. MULSIM ALIAS HUSSAIN V. STATE (NCT OF DELHI) - 2023 SCC ONLINE SC 352 wherein at paragraph nos.20 and 21 it has observed as follows:-

"20. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

21. The standard to be considered

therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accuseds guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are -6- expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation as held in Union of India v. Rattan Malik."

9. It is not in dispute that even as on this date, except the petitioner, all other accused have been enlarged on bail much prior to the petitioner being enlarged on bail, vide the

order impugned. It is not in dispute that the petitioner has

been granted bail in all other criminal cases which were registered against him earlier.

10. The Hon'ble Supreme Court in the case of

PRABHAKAR TEWARI V. STATE OF U.P AND ANR - (2020) 11 SCC 648 has observed that merely for the reason that an accused is a person with criminal antecedents, his bail application cannot be rejected, if he is otherwise found entitled for the relief sought for. Under the circumstances, I am of the opinion that the trial Court was fully justified in granting regular bail to the petitioner, who was in custody for a period of more than two and a half years in the present case. -7-

11. It is also not in dispute that the petitioner has not

violated any of the bail conditions, while granting regular bail to him in the present case. Hence, I do not find any good ground to cancel the regular bail granted to the respondent, which is questioned by the State before this Court in this petition.

12. Accordingly, criminal petition is dismissed. Sd/- (S VISHWAJITH SHETTY)
JUDGE NMS List No.: 1 Sl No.: 35

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