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**Kushal Gowda R S vs State by**

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**SooperKanoon Citation** : sooperkanoon.com/1669608

**Court** : Karnataka

**Decided On :** Mar-28-2025

**Judge** : S Vishwajith Shetty

**Appeal No.** : CRL.P/2835/2025

**Appellant** : Kushal Gowda R S

**Respondent** : State by

**Judgement** :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 2835 OF 2025 BETWEEN:

1. KUSHAL GOWDA R.S,

S/O SHIVAKUMAR, AGED ABOUT 20 YEARS, STUDENT AT NITTE COLLEGE, YELAHANKA. R/AT NO.18, NO.73, 12TH MAIN ROAD, NEAR WATER TANK, KOGILU, YELAHANKA, BENGALURU -560 064.

2. VINAY KUMAR V, S/O LATE VISHWANATH, AGED ABOUT 20 YEARS, R/AT 1ST YEAR B.SC., STUDENT, Digitally AVIATION COACHING CENTRE, signed by

KAVYA R BETTAHALASURU,Location: R/AT 2ND C

Karnataka PETITIONERS (BY SRI. B.R. RAGHAVENDRA, ADVOCATE) AND: STATE BY TUMAKURU TOWN POLICE STATION, TUMAKURU -572 101, REPRESENTED BY SPP HIGH COURT OF KARNATAKA, -2- BENGALURU - 560 001. RESPONDENT (BY SRI. H. NAGESHWARAPPA, HCGP) THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONERS ON BAIL FOR THE OFFENCE PUNISHABLE U/S 20(B) OF NDPS ACT 1985 FILED BY THE RESPONDENT TUMKURU TOWN POLICE IN CRIME NO.62/2025 PENDING ON THE FILE OF PRL DISTRICT AND SESSION JUDGE TUMAKURU. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

## ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

## ORAL ORDER

Accused Nos.1 and 2 in Crime No.62/2025 registered by Tumakuru Town Police Station, Thumakuru, for offences punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') are before this Court under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.62/2025 was registered by

Tumakuru Town Police Station, Thumakuru, for the aforesaid offences against the petitioners herein based on -3- the first information dated 27.01.2025 received from Sathish SG, police officer attached to Tumakuru Town Police Station,

Thumakuru.

4. During the course of investigation of the case,

petitioners herein were arrested on 27.01.2025 and subsequently they were remanded to judicial custody. Bail application filed by the petitioners before the Jurisdictional Sessions Court in Crl.Misc.No.165/2025 was rejected on 6th February, 2025. Therefore, they are before this Court.

5. Learned Counsel for the petitioners having

reiterated the grounds urged in this petition submits that petitioners are students, pursuing their Bachelor decree course in Bengaluru. They do not have criminal antecedents. Major portion of the investigation is already completed. Accordingly, he prays to allow this petition.

6. Per contra, learned HCGP has opposed the petition and he submits that investigation of the case is -4- under progress. Accordingly, he prays to dismiss this petition.

7. Perusal of the material on record would go to

show that, petitioners aged about 20 years are students pursuing their Bachelors decree course in Bengaluru. They were arrested in the present case on 27.01.2025 and from their possession contraband article allegedly ganja totally weighing about 4 Kgs was seized. The seized contraband article is of intermediate quantity. Petitioners undisputedly do not have any criminal antecedents. They are in custody for the last two months. Major portion of the investigation is completed. Continued detention of the petitioners in custody along with other hardcore criminals in prison may have adverse impact on their future prospects and career. Therefore, I am of the opinion that prayer made by the petitioners for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

## ORDER

The petition is allowed. -5- The petitioners are directed to be enlarged on bail in Crime No.62/2025 registered by Tumakuru Town Police Station, Thumakuru, for offences punishable under Section 20(B) of NDPS Act, subject to the following conditions: a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for the likesum, to the satisfaction of the jurisdictional Court; b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons; c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioners shall not involve in similar offences in future; e) The petitioners shall not leave the jurisdiction of the Trial Court without -6- permission of the said Court until the case registered against them is disposed off. Sd/- (S VISHWAJITH SHETTY) JUDGE KVR List No.: 1 Sl No.: 50 CT: BHK

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