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Lakshmi vs State of Karnataka

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Court : Karnataka

Decided On : Mar-28-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/3792/2025

Appellant : Lakshmi

Respondent : State of Karnataka

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. 3792 OF 2025 BETWEEN: LAKSHMI W/O LATE RAMESH AGED ABOUT 60 YEARS, R/AT. KOTE MATA ROAD, MALAVALLI TOWN, MALAVALLI, MANDYA - 571430. PETITIONER (BY SRI. VINOD N., ADVOCATE) AND: STATE OF KARNATAKA REPRESENTED BY STATE PUBLIC PROSECUTOR HIGH COURT OF KARNATAKA BANGALORE - 560001. RESPONDENT Digitally (BY SMT. PUSHPALATHA B., ADDL. SPP) signed by SWAPNA V Location: High

Court THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) of Karnataka

PRAYING TO ENLARGE THE PETITIONER i.e., ACCUSED ON REGULAR BAIL IN ACCUSED IN SPL.C.NO.270/2024 i.e., CR.NO.75/2024 REGISTERED BY THE MALAVALLI TOWN POLICE, PENDING ON THE FILE OF THE COURT OF PRL. DISTRICT AND SESSION JUDGE, AT MANDYA, FOR THE OFFENCES P/U/S 20b OF THE NDPS ACT, 1985. 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

Accused in Spl.C.No.270/2024, pending before the Court of Principal District and Sessions Judge, Mandya, arising out of Crime No.75/2024 registered by Malavalli Town Police Station, Mandya, for offence punishable under Sections 20(b) of Narcotic Drugs & Psychotropic Substances Act (for short 'NDPS Act') is before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.75/2024 was registered by

Malavalli Town Police Station, Mandya against the petitioner for the aforesaid offence on the basis of the first information dated 05.08.2024 received from Smt. Jayalaksmamma - Sub Inspector of police attached to Malavalli Town Police Station, Mandya.

4. During the course of investigation of the case,

petitioner was arrested on 04.08.2024 and from her possession totally 1kg 870grams of contraband article allegedly ganja was seized and subjected to panchanama. Investigation of the case is completed and the charge sheet is filed against the petitioner -3- for the aforesaid offence. Bail application filed by the petitioner in Spl.C.No.270/2024 before the Jurisdictional Sessions Court was rejected on 13.12.2024. Therefore, the petitioner is before this Court.

5. Perusal of the material on record would go to show

that, petitioner aged about 60 years is a widow. Undisputedly, she has no criminal antecedents. The seized contraband article in the present case is of intermediate quantity and is little more than small quantity. Petitioner is in custody from 04.08.2024. Investigation of the case is already completed and the charge sheet is filed. Since, the seized contraband article is of intermediate quantity, rigor under Section 37(1)(b) of the NDPS Act cannot be made applicable to the petitioner. Under such circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail is required to be answered affirmatively. Accordingly, the following:-

ORDER

The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.75/2024 registered by Malavalli Town Police Station, -4- Mandya, for offence punishable under Sections 20(b) of NDPS Act, subject to the following conditions: a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court; b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts her appearance for valid reasons; c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioner shall not involve in similar offences in future; e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against her is disposed off. Sd/- (S VISHWAJITH SHETTY) JUDGE SPV/List No.: 1 Sl No.: 65

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