



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 26835 OF 2024 (GM-RES)

C/W

CRIMINAL PETITION NO. 9497 OF 2024

IN WP No. 26835/2024

BETWEEN:

RAGINI DWIVEDI @ GINI @ RAGS
D/O COLONEL RAKESH KUMAR,
AGED ABOUT 34 YEARS,
R/O AT NO.101, HRC, ANANYA APARTMENTS,
JUDICIAL LAYOUT, ALLALSANDRA GKVK POST,
BENGALURU - 560 065.

...PETITIONER

(BY SRI. MAHAMAD TAHIR A., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY COTTONPETE POLICE STATION,
BENGALURU - 560 053,
REP. BY STATE PUBLIC PROSECUTOR/HCGP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. SRI. K.C. GAUTHAM
AGED ABOUT 36 YEARS,
ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,
NARCOTICS SQUAD, BANGALORE
COTTENPETE, BANGALORE - 560 053.

...RESPONDENTS

(BY SRI. VEERANNA G TIGADI, SPP)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE





OF CRIMINAL PROCEDURE PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED AGAINST THE PETITIONER IN CRIME NO. 109/2020 OF COTTONPET PS(NOW CCB BANGALORE) NOW PENDING IN SPL.C.CNO.212/2021 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 21, 21(C), 27(A), 27(b), 29 OF THE NDPS ACT, 1985 R/W SECTION 120-B, 201 OF IPC AND SECTION 14, 14(c) OF FOREIGNERS ACT, PENDING BEFORE XXXIII ADDL. CITY AND SESSION JUDGE AND SPL JUDGE (NDPS)(CCH-33) AT BENGALURU VIDE ANNEXURE-D SO FAR AS THE PETITIONER IS CONCERNED AND ETC.

IN CRL.P NO. 9497/2024

BETWEEN:

MR. PRASHANT RANKA,
S/O. M.L. RANKA,
AGED ABOUT 46 YEARS,
R/O. 39/1, 4TH CROSS,
JAYALAKSHMI LAYOUT,
B. NARAYANAPURA, AKASHNAGAR,
NEAR HDFC ATM, DOORAVANINAGAR,
BENGALURU-560 016

...PETITIONER

(BY SRI. BHARATH KUMAR V., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH STATION HOUSE OFFICER,
COTTONPET POLICE STATION.
2. POLICE INSPECTOR,
COTTON PET POLICE STATION,
BENGALURU.
3. THE ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH
(ANTI NARCOTICS WING)
N.T. PET BENGALURU.

RESPONDENTS 1 TO 3 ARE
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,



AMBEDKAR VEEDHI,
BENGALURU-560 001

...RESPONDENTS

(BY SRI. VEERANNA G TIGADI, SPP)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNNS) PRAYING TO 1) QUASH IN SO FAR AS THE PRESENT PETITIONER, THE FIR BEARING NO.109/2020 ALONG WITH INFORMATION DATED 04.09.2020, PREFERRED BY THE RESPONDENT NO.3 AND CONSEQUENTLY REGISTERED BY THE RESPONDENT NO.1 (COTTON PET POLICE STATION) WHEREIN, THE PETITIONER HEREIN AS ARRAIGNED AS ACCUSED NO.4 FOR THE ALLEGED OFFENCE U/S 21, 21(C), 27(b), 27-A AND 29 OF THE NDPS ACT, 1985 AND SEC. 120B OF IPC (ANNEXURE-A) AND ETC.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

Heard learned counsel for petitioners and Sri Veeranna G.Tigadi, learned Special Public Prosecutor for respondent - State.

2. The petitioners, being accused Nos. 2 and 4 are facing charges for offences punishable under Sections 21, 21(C), 22(C), 27A, 27-B, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, read with Sections 120(B) and 201 of the Indian Penal Code, 1860.

3. The complainant, K.C. Goutham, Assistant Commissioner of Police, Anti-Narcotics Wing, Central Crime Branch (Respondent No.2), is stated to have filed a suo motu



complaint with Respondent No.1, Cottonpet Police Station. The complaint asserts that Respondent No.2 was in possession of information regarding the consumption of narcotics at parties organized at various hotels and other locations frequented by celebrities, DJs (disc jockeys), software engineers, and others. This information was reportedly gathered following an inquiry conducted with Mr. B.K. Ravishankar, based on his voluntary statement recorded under Section 67 of the NDPS Act. B.K. Ravishankar is Accused No.14 in this matter.

4. Based on the above, the respondent-police registered an FIR in Crime No.109/2020, dated 04.09.2020, against the petitioners. The final police report/charge sheet was filed on 08.06.2021, and the petitioners were arrayed as Accused Nos. 2 and 4, respectively, in relation to the aforementioned charges.

5. The specific allegation against Accused No.1 is that they are realtors by profession and a friend of Accused No.2, a film actress, who allegedly introduced him to businessmen and youngsters at parties where narcotic drugs were supplied. It is further alleged that Accused No.1, along with Accused Nos. 2 and 16, consumed contraband substances, such as ecstasy pills, at parties organized by them. Additionally, Accused Nos.1 is alleged to have



instigated others to consume ecstasy pills during these parties.

6. The specific charge against the petitioners herein is that they organized parties and facilitated the distribution of drugs to attendees at such events, which were organized on 05.07.2020, 17.07.2020, and 08.07.2020. The petitioners have been implicated solely based on the confession/voluntary statement of Accused No.16, a co-accused and charge sheet witness. The Hon'ble Supreme Court in the case of **Tofan Singh -vs- State of Tamil Nadu (2021) 4 SCC 1**, has dealt with Section 67 of the Act.

“67. Equally, when we come to Section 67(c) of the NDPS Act, the expression used is “examine” any person acquainted with the facts and circumstances of the case. The “examination” of such person is again only for the purpose of gathering information so as to satisfy himself that there is “reasonable to believe” that an offence has been committed. This can, by no stretch of imagination, be equated to a “statement” under Section 161 Cr.PC, as is argued by Shri Lekhi, relying upon Sahoo v. State of U.P. (at p.88), which would include the making of a confession, being a sub-species of “statement”.

7. However, to substantiate the charges against the petitioners, the prosecution has not produced any material evidence to prove that the petitioners organized parties or sold drugs, apart from the voluntary statements of the co-accused and charge sheet witnesses. Therefore, the continuation of the



criminal proceedings against the petitioners will be an abuse of the legal process of law.

8. Accordingly, I pass the following:

ORDER

- i. Petitions are allowed.
- ii. The impugned proceedings in Special CC.No.212/2021 on the file of Learned 33rd Additional City Civil and Session Judge and Special Court for NDPS cases Bangalore City, insofar as it relates to accused Nos.2 and 4 are quashed.
- iii. However, this order will not come in the way of prosecuting the petitioners in accordance with law, in light of the observations made in WP.No.1983/2023.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

PSJ