


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 8926/2025

Karan Mehra S/o Sanjeev Mehra, Holder Of Indian Passport No - S1775471, Dob 10.01.1998, Permanent Resident Of 197/2, Gali Nadhia Wali Chowk, Chida Katra Karam Singh, Amritsar, Punjab, India, Pin 1430021. (At present confined in Central Jail, Jaipur).

----Petitioner

Versus

Union of India, (Customs Department, Jaipur) through Special Pp

----Respondent

For Petitioner(s)	:	Mr. Mohit Sharma
For Respondent(s)	:	Mr. C.S. Sinha, Special PP for Union of India with Mr. Mayank Kanwar Mr. Dev Yadav

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

ORDER

Order pronounced on ::: **07/10/2025**

Order reserved on ::: **16/09/2025**

1. The instant bail application under Section 483 of BNSS has been filed on behalf of the petitioner, who has been arrested in connection with Complaint No.ARPT/AIU/OFF/333/2025 registered by the Superintendent, Customs, Jaipur International Airport, Terminal-1, Sanganer, Jaipur for the offence under Sections 8, 20, 23 & 29 of NDPS Act. After completion of investigation, charge sheet has been filed in the court concerned.

2. Learned counsel for the petitioner submits that accused-petitioner has falsely been implicated in this case. He submits that

alleged recovered quantity of contraband (Ganja 18.534 kg) from the petitioner is below commercial quantity and does not attract the provisions under Section 37 of the NDPS Act. It is submitted that the petitioner has been in custody for a long time and charge sheet has been filed in the court concerned as such, no fruitful purpose would be served by keeping him in custody. Counsel further submits that no criminal case has ever been registered against the petitioner in the past; hence it would be justified to grant him bail. It has also been submitted that according to the FSL report, the test of sample shows it to be Ganja and no other intoxicant or drug was found in the sample and calling it only hydroponic weed does not make any difference.

3. Learned Special Public Prosecutor appearing for Union of India vehemently opposes the submissions made by learned counsel for the petitioner. He submits that recovered cannabis is a special type of narcotic substance which is grown in foreign countries under special conditions to make it more potent. It is submitted that according to investigation agencies, the value of recovered contraband from possession of the petitioner is Rupees Eighteen Crore approx., which is attracting the young generation these days, which is a very worrying situation, therefore, merely because the quantity of Ganja recovered is less than the commercial quantity, the petitioner does not become eligible for bail. Counsel further submits that under a special modus operandi, Ganja is being brought from abroad in quantities less than commercial quantities so as to avoid the provisions of 37 of the

NDPS Act and thereby to easily obtain bail. He further submits that the possibility of the petitioner being a member of drug syndicates also cannot be ruled out.

4. I have carefully considered the arguments from both sides and perused the material available on record.

5. From first look, the arguments advanced by the petitioner seem to be attractive, as normally the Courts grant bail where recovered quantity of contraband is intermediate quantity and investigation is over, but the respondent has raised several concerns which in this Court's opinion cannot be ignored. The nature of the contraband, the sophisticated methods used for its import, its high value, and the potential links to a larger drug syndicate all weigh heavily against the petitioner's plea for bail. The substance recovered from the petitioner is not just ordinary Ganja. It is Hydroponic Weed, a specialized and highly potent form of cannabis, often cultivated in foreign countries under controlled conditions to significantly increase its THC content (Delta-9-tetrahydrocannabinol (THC), the primary psychoactive compound in cannabis). This makes it far more dangerous and addictive than locally grown variants. The argument that it is "only" Ganja and the specific type doesn't matter for the purpose of bail is a simplistic view that ignores the gravity of the offence. The high potency of this drug makes it particularly appealing to the youth, creating a grave social problem. This substance, in its concentrated form, poses a direct threat to the mental and

physical health of young people, often leading to addiction, mental health issues, and a spiral into criminal activities. The respondent's submission that the value of the recovered contraband is approximately ₹18 crore further highlights the seriousness of this case. This astronomical value, even for a quantity below the commercial threshold, is a powerful indicator of the substance's potency and its significant demand within the illicit market. This fact alone refutes the notion that the offence is a minor one. The value of the consignment prima facie suggests that the petitioner is not a simple user or a small-time peddler but is likely a key component in a larger, well-funded drug trafficking operation. The most concerning aspect of this case is the modus operandi described by the respondents. It is becoming a rather common tactic of organized drug syndicates to import drugs in quantities just below the commercial threshold to deliberately circumvent the strict provisions of Section 37 of the NDPS Act. This is a calculated move to secure easy bail and continue their illegal operations without significant disruption. Granting bail in such a situation would be tantamount to encouraging this very tactic and would render the law's intent to combat large-scale drug trafficking ineffective. It would send a clear message that as long as traffickers keep their consignments below a certain weight, they can operate with relative impunity. The devastating impact of this type of trafficking on the youth of our nation cannot be overstated. Drug syndicates are increasingly targeting highly educated individuals, including university students and young professionals from well-off families. They are lured into these

schemes with promises of easy money, all-expenses-paid trips, and luxurious lifestyles. These educated and privileged youth are often seen as less likely to be suspected by law enforcement, making them ideal drug mules. Their naivety and desire for quick wealth are exploited, leading to addiction and a complete ruin of their academic and professional careers. They become not just consumers but cogs in a larger criminal machine, a situation far more worrying than simple drug use. While the petitioner's counsel has emphasized the long period of custody and the completion of the chargesheet, these factors do not automatically entitle the petitioner to bail. The nature of the offence and the likelihood of the accused to abscond or interfere with the investigation, as well as the potential for them to continue their illegal activities, are paramount considerations. Given the high-value contraband and the sophisticated nature of the crime, there is a significant risk that the petitioner could flee or attempt to influence witnesses if released. The duration of custody is not a standalone reason to grant bail when the very act of granting it could undermine the larger fight against drug trafficking. The arguments presented by the respondents regarding the nature and value of the drug, the sophisticated modus operandi, and the potential link to organized crime are compelling and cannot be dismissed. The court must prioritize the public interest and the need to send a strong message against drug trafficking, even when the recovered quantity is technically below the commercial threshold. To grant bail would be to ignore the very

essence of the NDPS Act and the evolving challenges posed by modern drug syndicates.

6. In view of the above discussion and looking into the seriousness of the offence and impact on the society, I do not find this a fit case for grant of bail, hence the bail application stands rejected.

7. The observation made hereinabove is only for disposal of the instant bail application and would not prejudice trial in any manner.

(ANIL KUMAR UPMAN),J