



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 13353/2025

Kuldeep Singh Son Of Shri Surendra Singh, Resident Of House No. 535, Wz-Block, Narayana Village, Delhi-110028 (At Present Confined In Central Jail Jaipur).

-----Petitioner

Versus

D.r.i., Through Special P.p.

-----Respondent



For Petitioner(s) : Mr. Mohit Sharma
For Respondent(s) : Mr. Kinshuk Jain, Senior Standing Counsel, Spcl. P. P. assisted by Mr. Jay Upadhyay, Adv. & Mr. Saurabh Jain
Mr. R. K. Chandan, Commissioner of Customs
Mrs. Shashi Panwar, Addl. Director, DRI, Jaipur

HON'BLE MR. JUSTICE SAMEER JAIN
Judgment

27/11/2025

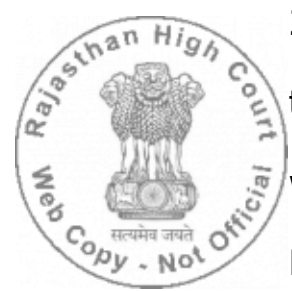
1. At the outset, this Court, being fully conscious of its constitutional obligation and harbouring a degree of justifiable circumspection, deemed it appropriate to examine why, in the present matters wherein the alleged contraband is described as “hybrid ganja/Hydroponic Weed”, stated to have been illicitly transported from Bangkok, the investigating agency has not invoked the relevant provisions of the Customs Act, 1962, particularly those under Sections 11, 77, 111, 113, 118, 119 and 123, which regulate importation, declaration requirements, confiscation, and the reverse burden in cases involving prohibited goods. Such omission naturally prompted the Court to call for the Commissioner of Customs and the concerned seizing officers, so as to obtain clarity and dispel any ambiguity surrounding the



investigative approach adopted at an international airport, an area notified as a "customs area" under Section 2(11) of the Customs Act.

2. However, upon such interaction, this Court is apprised that, in cases involving narcotic or psychotropic substances brought within the territorial jurisdiction of India, the Narcotic Drugs and Psychotropic Substances Act, 1985, being a special statute, assumes overriding effect by virtue of Section 80 NDPS Act, which explicitly provides that the provisions of the NDPS Act are in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 and any other law for the time being in force. It was further submitted that, as a matter of consistent administrative practice, and in conformity with the principle *lex specialis derogat legi generali*, when any narcotic substance is seized in an airport customs zone, the customs officer, who is deemed to be an "empowered officer" under Section 42 and Section 53 NDPS Act, acts in accordance with the procedure prescribed under the NDPS Act, including compliance with Sections 42, 43, 50, 52, 52A, 57, and thereafter promptly refers the matter to the Narcotics Control Bureau (NCB) or the State police for further investigation under Chapter V of the Act.

3. In light of these legal principles and statutory mandates, this Court is persuaded to accept the explanation tendered by the Mr. R. K. Chandan, Commissioner of Customs, that the NDPS Act, by virtue of its special and overriding character, governs the procedural and substantive course of action even within a customs-controlled environment, and hence, the non-invocation of specific





provisions of the Customs Act does not, per se, vitiate the investigation, so long as the procedural rigour mandated under the NDPS Act has been duly adhered to.

On the prayers made in the instant application:

4. The instant bail application has been filed under Section 483 BNSS on behalf of accused-applicant. The accused-applicant was arrested in connection with Complaint No. DRI-DZU/JRU-19-INT-12/2025-26 registered by the Intelligence Officer, Directorate of Revenue Intelligence, Regional Unit, Jaipur for the offence(s) under Sections 8, 20, 23 and 29 of the NDPS Act.

5. Learned counsel for the accused-applicant submitted that applicant is a young person, aged about 21 years. It is submitted that the applicant is in custody from 21.09.2025. It is further submitted that *ganja* of approximately 15.740 kg has been recovered from the applicant. It is also submitted that quantity of the narcotic substance recovered is much less than the commercial quantity, i.e. 20 kg, as specified at Entry No. 55 under the relevant Schedule. It is further submitted that there are no criminal antecedents registered against the applicant and that the charge-sheet has already been filed in the matter and no further interrogation of the applicant is required as the narcotic substance has already been recovered. Moreover, it is submitted that the applicant is ready to abide by the conditions, if any, imposed by the Court while granting bail to the applicant. Learned counsel has further submitted that the applicant has deep roots in the society and that the applicant is a bonafide citizen of India. It is also submitted that provisions of the NDPS Act makes a categorical distinction between various narcotic drugs and psychotropic



substances only on the basis of their statutory nomenclature and the entries under which a particular contraband is classified and the NDPS Act does not prescribe any distinction based on the ad-valorem or market value of the substance recovered. Hence, the alleged price of the substance recovered is immaterial for determining the nature of the offence under the NDPS Act. Learned counsel has further placed his reliance upon the CRCL report which confirms that the contraband recovered from the applicant is *ganja*.

6. *Per contra*, learned Special Public Prosecutor along with Commissioner of the Customs Department have vehemently opposed the instant bail application. It is submitted that the recovered narcotic substance is Hydroponic Weed and the same was carried by the applicant in a concealed and suppressed manner through the airport. It is further submitted that on account of being traced out by the customs authorities, it has been revealed, during the course of investigation, that approximately 15.740 kg of Hydroponic Weed has been recovered, amounting approximately of Rs.15.50 crores in the indigenous and international market. Moreover, it is submitted that the intensity of the recovered narcotic substance, Hydroponic Weed, is much greater than *ganja*. It is further submitted that the content of Tetrahydrocannabinol (THC) in the recovered narcotic substance is approximately 25% as compared to 2% THC in the ordinary *ganja*. However, the same is subject to confirmation from the CRCL Report which is still awaited in the matter. Moreover, it is submitted that in the instant matter, investigation is still ongoing and it is subject to the further investigation as to how many time



accused go out of the country in connection with the said act and as to how many more persons or is there any racket involved in the same. It is further submitted that the applicant has also violated Section 132, Section 11, and Section 111 of the Customs Act. Moreover, it is submitted that the applicant is also in the breach of Section 77 of the Customs Act as the baggage declaration form, as required and mandated under the said Act, was also not submitted by the applicant.

7. Having heard the arguments advanced by the learned counsel for the parties and taking note of the fact that that the recovered narcotic substance is Hydroponic Weed; that the said narcotic substance was found in the possession of the applicant; that the intensity of the recovered narcotic substance is much greater than the prescribed commercial quantity; that the market value of the recovered narcotic substance is approximately Rs.15.50 crores; that the intensity of the recovered narcotic substance is much more than that of the ganja; that content of Tetrahydrocannabinol (THC) in the recovered narcotic substance is approximately 25% as compared to 2% THC in ordinary ganja; that the investigation in the instant matter is still ongoing; and taking note of the ratio opined in **SBCRLMB No. 8926/2025** titled as **Karan Mehra Vs. Union of India** the principles laid down by Hon'ble Supreme Court in **(2013) 7 SCC 439: Y. S. Jaganmohan Reddy Vs. CBI, (1987) 2 SCC 364: State of Gujarat Vs. Mohanlal Jitamalji Porwal, (2013) 7 SCC 466: Nimmagadda Prasad Vs. CBI, (2019) 9SCC 165: SFIO Vs. Nittin Johari**, stating that in the matters of economic offences Courts have to be of iron hands as such offences are committed



with cool calculation and are deliberated design to effect and fabricate the whole economy of the country; that in **(2016) 1 SCC 376: State of Tamil Nadu Vs. R. Vasanthi Stanley**, it was categorically opined that prosecution in white collar crimes is crucial for maintaining public trust in the financial system and ensuring accountability amongst those who manipulate economic regulations for their personal gains and looking to the overall facts and circumstances of the case and material on record but without commenting on merits/demerits of the case, this court is not inclined to allow the instant bail application of the accused-applicant.

8. Accordingly, the bail application under Section 483 BNSS is dismissed.

(SAMEER JAIN),J

Pooja /95