



2026:AHC-LKO:15589

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. BAIL APPLICATION No. - 1026 of 2026**

Mohammad Imran

.....Applicant(s)

Versus

Union Of India Thru. Investigating Officer Shri  
Ankit Kumar Lko.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Sudhanshu Shekhar Tripathi, Prakhar  
Srivastava, Raghav Bansal, Ritwika  
Tripathi

Counsel for Opposite Party(s) : Kuldeepak Nag (K.D.Nag)

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**Court No. - 15**

**HON'BLE KARUNESH SINGH PAWAR, J.**

Heard Shri Sudhanshu Shekhar Tripathi and Shri Prakhar Srivastava, learned counsel for the applicant as well as Shri K.D. Nath, learned counsel for Customs.

In the prosecution case, it is alleged that the applicant was travelling from Bangkok to Chaudhary Charan Singh International Airport by Air India Express Flight No. IX-105, which landed at about 17:29 hours. On the basis of suspicion that the applicant was carrying a prohibited narcotic substance by way of concealment, he was intercepted and subjected to search by the concerned authorities. During the course of such search, it is alleged that 5.998 kilograms of ganja/marijuana was recovered from his possession. The contraband is stated to have been kept in 12 separate packets, each wrapped with brown adhesive tape. The total quantity allegedly recovered is stated to be more than the small quantity but below the notified commercial quantity.

Learned counsel for the applicant submits that the quantity allegedly recovered falls below the commercial quantity as prescribed under the provisions of the NDPS Act and, therefore, the rigours of Section 37 of the Act would not strictly apply. It is further submitted that the applicant has duly explained his criminal history, consisting of only one case, in paragraph 15 of the bail application, and he has no previous criminal antecedents relating to any offence under the NDPS Act. The applicant has been falsely

implicated in the present case and has no conscious possession of the alleged contraband.

It has been further argued that there has been non-compliance with Rule 10 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022, which mandates that one sample in duplicate shall be drawn from each package and properly sealed and countersigned. In the present case, although 12 packets of alleged contraband were recovered, only two samples are stated to have been drawn from a single packet, which, according to the defence, amounts to a material procedural irregularity and casts serious doubt on the prosecution case.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Per contra, Shri K.D. Nath, learned counsel appearing for the Customs Department, has opposed the bail application and contended that the quantity recovered is admittedly more than the small quantity and, therefore, the offence is of a serious nature. He submits that the recovery has been made in accordance with law and that the applicant does not deserve any indulgence at this stage.

Having due consideration to the rival submissions advanced by the learned counsel for the parties, and upon perusal of the material available on record, particularly in light of Rule 10 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022; considering the fact that the quantity allegedly recovered is below commercial quantity; further taking into account that the applicant has no previous criminal antecedents under the NDPS Act; and also noting that the applicant is in judicial custody since 04.09.2025, I am of the considered opinion that, without expressing any view on the merits of the case, the applicant has made out a fit case for being enlarged on bail.

Accordingly, the bail application is *allowed*.

Let the applicant *Mohammad Imran*, involved in Air Customs Case No. 10/2025-26 registered under section 8, 20, 23 of NDPS Act, 1985 at Police

Station Air Customs, District Lucknow be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

**(Karunesh Singh Pawar,J.)**

**February 25, 2026**

R.C.