

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45100 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- CUSTOM (GOVERNMENT OFFICIAL)
District- Gaya

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Dilpreet Kaur Daughter of Kulwinder Singh Resident of Near Gurudwara
Wadda Nihal Singhwala, P.S.- Singhwala, District- Moga, Punjab

... .. Petitioner/s

Versus

The Union of India through Customs Deptt., Gaya International, Airport Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Sriram Krishna, Sr./St. Counsel, Customs

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 10-08-2026 Heard learned counsel for the petitioner and learned
counsel appearing for The Union of India.

2. The petitioner has filed the instant application for grant of regular bail in case registered for the offences punishable under Sections 8(c), 20(b)(ii)(b), 22(b), 25 and 29 of NDPS Act.

3. Prosecution story, in brief, is that from the bag of the petitioner, a total of 7.070 kgs of hydroponic weed (*marijuana*) was recovered.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. She has falsely been implicated in this case. He further submits that petitioner had no knowledge of the contraband items. Petitioner



only had the knowledge that the items were toys provided by Ashwani Kumar Dwivedi in two trolley bags. Learned counsel has placed reliance on the case of Manpreet Kaur, a friend of the petitioner, who was arrested on the same day of the same flight and she has been enlarged on bail by a co-ordinate Bench of this court vide order dated 22.06.2026 passed in Criminal Miscellaneous No. 27846 of 2026. Para 6 of the aforementioned order reads as under:

“6. Countering this, learned counsel for the petitioner has submitted that tetrahydrocannabinol (THC) is the intoxicant material which is found in the marijuana but the total marijuana does not contain entire THC. Some part of it is ‘THC’ and that considering this, the Legislator has fixed the commercial quantity of ganja to be 20 kg. Learned counsel has further submitted that in any view of the matter, the contraband which has been recovered from the possession of this petitioner is though more than small quantity but is much less than commercial quantity as per NDPS Act.”

A statement has been made in Para 3 of the bail application that petitioner has got clean antecedent and she languishing in judicial custody since 27.01.2026.

5. *Per contra*, learned counsel appearing on behalf of The Union of India, Customs Department has opposed the bail application of the petitioner and submits that alleged quantity come within the purview of the commercial quantity. This fact



finds its ground from notification No. 61 of 1985 passed by Ministry of Finance, Department of Revenue Notification S.O. 527(E) dated 16th of July, 1996 which is annexed as *Annexure R7*.

6. Considering the aforesaid facts and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gayaji in connection with Airport Customs Gaya P.S. Case No. 5 of 2026 subject to conditions as laid down in Cr. Misc. No. 27846 of 2026.

(S. B. Pd. Singh, J)

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