



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



S.B. Criminal Miscellaneous Bail Application No. 5094/2025

Hitanshu Sankhla S/o Sh. Divakar Sankhla, aged about 21 Years,  
R/o 135 A, Hariom Nagar, Chowpasni, Housing Board, Jodhpur.  
At Present Confined at Central Jail, Jaipur.

-----Applicant

Versus

Union of India (Central Narcotics Bureau), Regional Unit, Jaipur.  
through its Special Public Prosecutor.

-----Respondent



For Applicant(s) : Mr. C.L. Saini with  
Ms. Srijana Shresth  
For Respondent(s) : Mr. Rajendra Prasad, AG with  
Ms. Harshita Thakral &  
Ms. Dhriti Laddha  
Mr. Bharat Vyas, ASG with  
Mr. C.S. Sinha, Mr. Mayank Kamwar  
Ms. Neeti Jain, Pranav Sharma,  
Mr. Harshvardhan Katara & Mr. Lalit  
Bhardwaj  
Mr. T.C. Sharma, Special P.P. with  
Mr. Vaibhav Jhankra  
Mr. Rhishi Raj Singh Rathore, PP

**HON'BLE MR. JUSTICE SAMEER JAIN**

**Order**

**REPORTABLE**

**28/10/2025**

1. The instant bail application has been filed under Section 483 BNSS on behalf of accused-applicant. The accused-applicant was arrested in connection with Criminal Complaint No. VIII (IO)03/NCB/JPZU/2025 registered at Narcotics Control Bureau, Regional Unit Jaipur filed under Sections 8/20, 8/22 of NDPS Act.
2. Learned counsel for the accused-applicant has submitted that the applicant is an engineering student and hardly aged about



22 years of age whose parents are in government service. It is further submitted that the applicant was living in a joint room allotted in a hostel. It is further submitted that under the provisions of Section 52A were not complied which was mandatory as per the provisions of Special Act as offences are heinous in nature. It is further submitted that the quantity in question is a small quantity and the applicant was not involved in commercial transaction. It is further submitted that incursion of 28 blotter papers was done with the aim of exaggerating the story and making the same as the commercial. It is further submitted that the applicant is behind the bars since 23.03.2025 and complaint has been filed. It is further submitted that if the bail will not granted to the applicant, his entire carrier will be ruined. It is further submitted that in one of the matter i.e. **Vikas Sagar Vs. State of Himachal Pradesh** reported in **2019 SCC OnLine HP 1534**, the Hon'ble High Court of Himachal Pradesh considering the age, Article 21 and adopting reformatory approach has released the applicant on similar kind of circumstances. Learned counsel has further relied upon the judgment in the case of **Yusuf @ Asif Vs. State** reported in **SLP (Crl.) No.3010/2023** whereby provisions of Section 52A and trial of samples, seizure of contraband should be in presence of Magistrate which was not carried out in the matter. It is further submitted that the applicant is not having single criminal antecedent and he is ready to abide by the conditions if imposed by the Court for giving protection his carrier and future and adopting remunerative approach.

3. *Per contra* in the backdrop of order dated 09.10.2025, learned Advocate General and learned counsel appearing for Union



of India have marked attendance. Both the Senior Counsel have in cohesive manner has submitted that provisions of NDPS Act, 1985 are special peace of legislation, the legislature and its wisdom has demarcated the quantities into small and commercial and have making out reason, distinguish and define the same under Section 2(viia) and 2 (xxiiiia). It is further submitted that drug and *psychotropic* substance are also distinctly defined. While relying upon the said provisions, it was submitted that once the quantity is measured to be commercial and is seized special provisions under Section 37 are made applicable wherein till *prima facie* view on merits is carried out no authority should be drawn irrespective of any offence whether it is a student and young age or otherwise. It is further submitted that the instance/incidence has happened in engineering college, contraband was recovered from hostel room is making impact on society at larger. More particularly, on the other students. A very view should be taken in the said case. Howsoever, at the same time both the counsel have argued that at a quantity been small a different view could have been adopted. It is further submitted that the quantity in question 0.31 gram LSD and 6.1 gram of ganja was recovered. It is further submitted that contraband in question which is highly dangerous to the life and if excess quantity is consumed it will evil leading to death. It is further submitted that drug mafia/syndicate is involving persons like the applicant who are spreading out the contraband into educational campus therefore strong view should be taken. Reliance was placed upon the Rules of NDPS (Seizure, Search, Sampling and Disposal Rules, 2020) definition under Section 2(b), 2(e) defining conductor and package was spelled out. Learned



Advocate General specifically drawn attention of this Court upon Section 3, more particularly Section 3(2). It is submitted that including the blotting paper treating the same as package is misnomer that the said is an edible part consumed while being addicted to LSD it is part and parcel of LSD. It is also relied upon the judgment of **H.S. Arun Kumar Vs. The State of Goa reported in (2022 LiveLaw (Bom) 432)** wherein a Full Bench has specifically held that as in para 113-115 which reads as under:

*"113. For all the above reasons, we hold that a blotter paper forms an integral part of the L.S.D. (drug) when put on it for consumption and, as such, the weight of the blotter paper containing L.S.D. will have to be considered for determining a small or commercial quantity of the offending drug under the NDPS Act, 1985. Further, we also hold that the blotter paper that carries the drug (L.S.D. drops), which facilitates its consumption as a whole, is a preparation, mixture, or neutral substance within the meaning of the NDPS Act 1985.*

*114. Since the referral order refers to L.S.D. as a drug, we have continued to adopt that term when answering the two questions referred to. However, in terms of Section 2 (xxiii) of the NDPS Act, there is no dispute that L.S.D. will have to be classified as a psychotropic substance and not a drug.*

*115. In conclusion, therefore, we endorse the view taken in Anur Keshwani (supra) that the combined weight of the L.S.D. and the blotter is relevant to determine small or commercial quantities and not the view in Hitesh Malhotra (supra) and Harsh Meshram (supra) that only the weight of the pure L.S.D. is the determinative factor. The reference is answered accordingly."*

While relying upon the said paras it was submitted that blotter paper forms an integral part of LSD when put on it on consumption therefore treating the same as package will be a wrongful exercise.

4. We have considered the rival submissions, scanned the record and considering the judgment cited at Bar.



5. Considering the arguments advanced by the counsel for the parties, considering that quantity as alleged is commercial in nature; considering that provisions of Section 37; considering para 113-115 of H.S. Arun Kumar (supra); considering that definition of small and commercial quantity and that as per the provisions of commercial quantity is placed in question 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 bail application of the accused-applicant.

6. Accordingly, the bail application under Section 483 BNSS is dismissed. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J

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