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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

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Reserved on : 21.04.2026

Date of Pronouncement: 23.04.2026

Date of Uploading: 23.04.2026

Ishant Arora

..... Petitioner

V/s

Inspector of Customs (Air Intelligence Unit) Guru Ram Das International
Airport Amritsar

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naveen Mahajan, Advocate,
for the petitioner.

Ms. Ridhi Bansal, Advocate with
Mr. Viney Kumar, Advocate,
for the respondent.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in Crime No.ARPT/AIU/NDPS/30/2025 dated 28.04.2025 under Section 52-A of the NDPS Act, 1985 registered at Police Station Airport, Amritsar.

2. That the brief facts are that one Ketan Sharma arrived on 27.04.2025 from Malaysia (Kuala Lumpur) via Air Asia Airlines having Flight No. AK 94, which landed at Amritsar Airport at about 20:30 approx.

hrs on 27.04.2025. The passenger was diverted towards the X-ray machine

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for scanning of baggage carried by the passenger During scanning of baggage of the passenger i.e. Sh. Ketan Sharma, some suspicious images appeared on the X-ray screen, which suggested that he was carrying some contraband goods and that detailed examination of his baggage was required. He was served with a notice under Section 50 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 informing him that his personal search was to be done and the same could be conducted in the presence of a Gazetted officer or a Magistrate, if he so desired. Ketan Sharma appended his dated signature on the body of the notice in token of its acknowledgement that his personal search may be conducted in the presence of Gazetted Officer. After the detailed examination and search of the baggage of the accused, 10 polythene bags/packets vacuum packets containing Ganja weighing 6.476 Kgs were recovered. On the reasonable belief that Ketan Sharma attempted to smuggle narcotics/psychotropic substance into India he was arrested vide Arrest Memo dated 28.04.2025. The accused was produced before the Court and his one-day remand was granted by the Duty Magistrate, Amritsar.

In his statement dated 28.04.2025 u/s Section 67 of the NDPS Act, 1985 Ketan Sharma stated that he was suffering from financial hardships due to which he contacted his childhood friend namely Ishant Arora, who offered him that he could earn money of Rs. 1,00,000/- in lieu of bringing some goods from Thailand. Ishant Arora had told him that the entire cost of the trip would be borne by him. He went to Bangkok from

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SGRDJI Airport, Amritsar on 23.04.2025 at 00:25 hrs (IST) via Thai Lion Air airlines along with his childhood friend namely Sh. Ishant Arora alias Ishu and his friend namely Sh. Sajjan Kumar. After reaching Bangkok on 23.04.2025, they boarded a domestic flight for Phuket (Thailand) via NOK Air Airlines, which departed from Bangkok Airport at 0935 (Local time). At Phuket, they hired a taxi and reached at Global Hotel Beach View and stayed there from 23.04.2025 to 27.04.2025. On 27.04.2025, he checked out from the Hotel at around 03:00 hrs (local time) and reached at Krabi International Airport (Thailand) at around 06:00 hrs (local time) via taxi, which was arranged by Ishant Arora. Ishant Arora gave him 2500 Thai Baht for giving the same to the taxi driver after reaching at Krabi Airport. At the time of leaving hotel, Ishant Arora told him that he had placed a black color trolley bag having number lock in his (Ketan Sharma) taxi and informed that the bag would be collected from him by some person, after he comes out from SGRDJI Airport, Amritsar. He was neither informed about the number lock code of the trolley bag nor about the contents of the bag and at the instance of whom he had brought the bag containing 6.476 Kgs Ganja. The trip was financed by Ishant Arora. Both Ishant Arora and Sajjan Kumar were at that time in Phuket. They were to reach India by 28.04.2025 evening. He remained in constant touch with Ishant Arora since he boarded the Flight from Krabi

Ketan Sharma also disclosed that Ishant Arora had told him that one lady, namely, Sarli Das would be boarding the flight with him from

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Krabi International Airport (Thailand) to SGRDGI Airport, Amritsar. Ishant Arora had forwarded a copy of the passport of Sarli Das to him on WhatsApp and had asked him to keep an eye on her. When the Customs officers intercepted the said lady at SGRDGI Airport, Amritsar he had informed Ishant Arora by WhatsApp message, When the Customs Officers intercepted him and asked for the lock code of his trolley bag he called Ishant Arora for the code, Ishant Arora deleted his WhatsApp messages. Apart from Ketan Sharma, the petitioner too had a role in the smuggling of 6.778 kgs Ganja by Sarli Das who was intercepted on 27.04.2025 and later on arrested by the Customs officers at SGRDGI Airport, Amritsar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been named in the disclosure statement of the arrested accused-Ketan Sharma who himself has been granted the concession of regular bail. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.

4. The learned counsel for the respondent, on the other hand, has placed on record the WhatsApp chat record of the petitioner. While referring to the same, she contends that the petitioner is the master-mind. There are WhatsApp chats between Ketan Sharma and the petitioner showing that it was the petitioner who had engaged Ketan Sharma and Sarli Das to traffic drugs from abroad into India. The WhatsApp chats would show that Ketan Sharma was provided a ticket for travel by the petitioner



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and the petitioner also sent a photograph of Sarli Das to Ketan Sharma as they were to travel to India on the same day and on the same flight. The WhatsApp chat would also show that Ketan Sharma was providing real time updates to the petitioner when Sarli Das was apprehended at the Airport and the Customs Authorities were asking the petitioner for the number of the combination lock of his bag, containing the contraband. The recovery of 6.4 kgs. of *ganja* came to be effected from the bag of Ketan Sharma provided by the petitioner whereas 6.778 kgs. of *ganja* came to be effected from the bag of Sarli Das. As the petitioner is the master-mind and there is sufficient corroborative evidence to establish his *prima facie* culpability, he is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.



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Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline***



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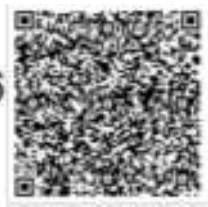
custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. A perusal of the statement of Ketan Sharma under Section 67 of the NDPS Act would reveal that it was the petitioner who was the master-mind of the smuggling of *ganja* into India from abroad. The said statement is further corroborated by the WhatsApp chats of Ketan Sharma with Ishant Arora culled out from the mobile phone of Ketan Sharma. The said chats *prima facie* establish that Ishant Arora was trafficking drugs into India using Ketan Sharma and Sarli Das both of whom were intercepted and the recovery of *ganja* was effected from each of them. The travel tickets for both were provided by the petitioner. The number of the lock of the bag carried by Ketan Sharma containing drugs was also known only to the petitioner which goes to show that he had provided contraband to Ketan Sharma to smuggle it into India. Therefore, the offence is *prima facie* established. In order to take the investigation to its logical conclusion and to ascertain whether the petitioner has been involved in other previous attempts to smuggle contraband into India, his custodial interrogation is certainly necessary.

8. In view of the above, I find no merit in the present petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial

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Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

April 23, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No