

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S 2026:UHC:2415
			<u>BA1 No. 352 of 2026</u> Anmol SinghApplicant Vs. State of UttarakhandRespondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Sanjay Kumar Chandel, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Anmol Singh, aged about 27 years, S/o Variyam Singh, R/o Village Rampura, Ramnagar Road, Kashipur, Tehsil and P.S. Kashipur, District Udham Singh Nagar. The Applicant is in judicial custody in connection with Case Crime/FIR No. 04 of 2026, registered at Police Station Ranikhet, District Almora, for the offences punishable under Sections 8/20 of the N.D.P.S. Act, 1985. 4. Heard Mr. Sanjay Kumar Chandel, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. The record has been perused. 5. The primary grounds for bail, as advanced on behalf of the Applicant, are that the Applicant and co-accused persons have been falsely implicated; that the alleged recovery is a joint recovery, but no specific attribution has been made as to which bag belonged to which accused; that the contraband was allegedly recovered in four separate bags weighing 13.292 kg, 14.556 kg, 21.940 kg, and 14.150 kg respectively, totalling 66.228 kg, but there is no clear and conscious possession attributable to the Applicant. It is further submitted that, as per the FIR and recovery memo, the alleged contraband (<i>ganja</i>) was loaded on the top of the vehicle in which the

			accused persons, namely the Applicant and the co-accused persons Vikas, and Jaspal, were travelling. Co-accused Vikas is stated to have been driving the vehicle bearing Registration No. UP 23 BT 0365 (Hyundai Aura). 6. Per contra, the present Bail Application has been opposed by the State on the ground that a total of 66.228 kg of contraband, namely ganja, was recovered from the accused persons, which falls within the category of commercial quantity. 7. After hearing learned counsel for the parties and upon perusal of the record, this Court finds that sufficient grounds for grant of bail are made out at this stage. Prima facie, the contraband cannot conclusively be said to be '<i>ganja</i>' as defined under Section 2(iii)(b) of the N.D.P.S. Act, which defines ganja as the flowering or fruiting tops of the cannabis plant, excluding seeds and leaves when not accompanied by such tops. 8. In the present case, the recovery memo describes the seized substance as "gudedaar". Learned counsel for the Applicant submits that the said term appears to be a typographical or clerical error, and in fact, the intended word may have been "gucchhedar" (clustered). Even if the said description is read as "gucchhedar", the material is described as consisting of clustered green substance containing seeds. Such description prima facie indicates the presence of seeds and other non-qualifying parts, which do not fall within the strict definition of <i>ganja</i> under the Act. 9. Since the punishment under the N.D.P.S. Act is dependent upon the quantity of contraband, and as seeds and leaves (when not accompanied by flowering or fruiting tops) are to be excluded, the actual weight of the contraband becomes a matter of determination. This creates a debatable issue at this stage regarding the exact nature and quantity of the seized substance.
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