SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS 2026:UHC:2360
			BA1 No. 154 of 2026 Mohd. Hasim ....Applicant Vs. State of Uttarakhand .....Respondent **Hon'ble Ashish Naithani, J.** Ms. Sheetal Selwal, learned counsel for the Applicant. 2. Mr. Chitrartha Kandpal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Mohd. Hasim, aged about 21 years, S/o Shri Khalil Ahmad, R/o Telipura, Ramnagar, District Nainital. The Applicant is in judicial custody in connection with FIR No. 01 of 2026, registered at Police Station Salt, District Almora, for the offences punishable under Sections 8/20 of the N.D.P.S. Act, 1985. 4. Heard Ms. Sheetal Selwal, learned counsel for the Applicant, and Mr. Chitrartha Kandpal, learned Brief Holder for the State. The record has been perused. 5. The present Bail Application has been opposed by the State with the contention that a total of 51.950 kg of contraband, namely *ganja*, was recovered from the accused persons, which amounts to commercial quantity. The contraband was allegedly recovered in three separate bags- 22.340 kg from Vishal Singh, 16.860 kg from Mohd. Hasim, and 12.750 kg from Mohd. Anas. 6. 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 it has not been specifically assigned as to which bag belonged to which accused; that the contraband was allegedly contained in three separate bags weighing 22.340 kg, 16.860 kg, and 12.750 kg,

			totalling 51.950 kg, but there is no clear attribution of possession; that the arrest memo appears to have been prepared prior to the lodging of the FIR, which is procedurally improper, as the FIR is ordinarily registered after the recovery and seizure proceedings; and that, as per the recovery memo and FIR, the contraband allegedly recovered does not fall within the definition of 'ganja' under the NDPS Act. 7. After hearing learned counsel for the parties, this Court is of the view that sufficient grounds for bail are made out. Firstly, the mention of the FIR number on documents such as the arrest memo, which are stated to have been prepared prior to the lodging of the FIR, *prima facie* indicates a procedural irregularity. Secondly, and more importantly, the contraband cannot *prima facie* be said to be '*ganja'* as defined under Section 2(iii)(b) of the NDPS Act, which defines *ganja* as the flowering or fruiting tops of the cannabis plant, excluding seeds and leaves when not accompanied by the tops. In the present case, the recovery memo and FIR describe the contraband as green coloured clusters containing seeds. As per the statutory definition, ganja excludes seeds and leaves when not accompanied by flowering or fruiting tops. Therefore, the nature of the seized substance raises a debatable issue. 8. Considering the facts and circumstances of the case, and upon perusal of the record, this Court is of the view that, at this stage, sufficient grounds exist for grant of bail. Without expressing any opinion on the merits of the case, the Applicant is entitled to be released on bail. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned.

			11. All pending applications, if any, stand disposed of. **(Ashish Naithani, J.)** 02.04.2026 Shiksha