

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1880 of 2018**

The State of Chhattisgarh, through District Magistrate, District- Bemetara (C.G.)

---- **Petitioner**

Versus

Rameshwar Verma, S/o Manjoram Verma, aged about 55 years, R/o Village- Amora, Police Station- Nandghat, District- Bemetara (C.G.)

---- **Respondent**

 For State/ Petitioner : Mr. Vinod Kumar Tekam, PL.
 For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/10/2018

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 24.05.2018 passed by Special Judge (NDPS Act) Bemetara, District- Bemetara (C.G.) in Special (NDPS) Case No. 08/2015, wherein the said court acquitted the respondent for commission of offence under Section 20(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985 for cultivating cannabis/ ganja tree.
3. In the present case, Assistant Sub-Inspector N.P. Sahu (PW-4) conducted search in house of the respondent and found ganja tree in west side of his house which was removed and seized.
4. The core issue before this Court is whether the respondent has cultivated the ganja tree. No one examined before the trial court to establish that the respondent has cultivated the ganja tree or participated in any part of cultivation for growing the said tree. Evidence of this nature is also lacking that respondent was

having knowledge that the said tree is ganja tree. There is no evidence that respondent has contacted anyone for selling the ganja, therefore, connecting piece of evidence is lacking. Some time seed of ganja is sprouted by its own without help of human being. Sprouting of ganja by its own is not offence on the part of anyone.

5. The trial court has discussed the entire evidence and came to conclusion that cultivation of ganja by the respondent is not established. This Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
6. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge