

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 '*ganja*' 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 "gucchedar" (clustered). Even if the said description is read as "gucchedar", 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 *ganja* 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.

10. Considering the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a case for grant of bail.

11. Accordingly, the Bail Application is allowed.

12. 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.

13. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

06.04.2026

Shiksha