

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 3591/2023

(Arising out of impugned final judgment and order dated 17-10-2022 in CRLMA No. 13884/2022 passed by the High Court of Gujarat at Ahmedabad)

HASUBHAI KAMABHAI THAKOR

Petitioner

VERSUS

THE STATE OF GUJARAT

Respondent

(IA No.29222/2023-CONDONATION OF DELAY IN FILING and IA No.29235/2023-EXEMPTION FROM FILING O.T.)

Date : 17-02-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Somesh Chandra Jha, AOR
Mr. Alok M Thakkar, Adv.
Mr. Nilay V Suchak, Adv.
Mr. Shubham Gurung, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Mr. Somesh Chandra Jha, learned counsel for the petitioner refers to Section 2(iii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) to point out that Ganja seeds are excluded from the definition of cannabis (hemp) under the NDPS Act. Next, the counsel refers to the statement of the I.O. to point out that what was being dealt with was seeds of Ganja and, therefore, the application of the NDPS Act may not have been warranted.

Issue notice.

List on 17.03.2023.

Dasti on the Standing Counsel is permitted.

**(NITIN TALREJA)
COURT MASTER (SH)**

**(KAMLESH RAWAT)
COURT MASTER (NSH)**