

Legal Reasoning Questions for CLAT | QB Set 24

The Bombay High Court's Nagpur bench recently granted bail to Mohammad Jakir Nawab Ali, accused under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), after ruling that 'ganja' under the Act refers only to the flowering or fruiting tops of the cannabis plant, excluding seeds and leaves. Justice Urmila Joshi Phalke observed that the police failed to segregate the seized contraband, which included seeds, leaves, stems, and stalks, before weighing it. This raised doubts about whether the 50 kilograms of cannabis seized from Ali met the definition of ganja or constituted a commercial quantity.

Ali was arrested in December 2021 after a police raid on suspicion of transporting contraband. During the search, approximately 50 kilograms of what was labelled as ganja was found in his vehicle. However, his defence argued that most of the seized material did not meet the NDPS Act's definition of ganja, as it largely consisted of non-flowering parts of the plant. The Court agreed, finding that the failure to segregate the plant material before weighing it made it unclear whether the quantity seized was truly a commercial amount. Additionally, Ali's counsel raised concerns about delays in his trial, citing his right to a speedy trial under Article 21 of the Constitution of India. The Court referenced a recent Supreme Court ruling, underscoring the importance of avoiding unreasonable delays in trials. Based on these factors, the Court ruled in favour of granting Ali bail, ordering his release on a personal bond of ₹50,000 and other conditions, including reporting to the local police station monthly.

Questions

1. Ali was charged under the NDPS Act for possessing approximately 50 kilograms of what the police called 'ganja'. However, the court found that the seized material largely consisted of non-flowering parts of the cannabis plant. Which aspect of the NDPS Act did Ali's defence focus on?

a) The NDPS Act defines ganja as any part of the cannabis plant, including stems, leaves, and seeds.

- b) The NDPS Act excludes seeds and leaves of the cannabis plant from the definition of ganja.
- c) The NDPS Act criminalises possession of cannabis in any form, regardless of its composition.
- d) The NDPS Act defines ganja as a controlled substance, including all parts of the cannabis plant.

2. The police failed to segregate the different parts of the cannabis plant before weighing the seized contraband. What was the primary legal issue that arose from this failure?

- a) The unsegregated material could not be used as evidence in court.
- b) The seized material was automatically considered a commercial quantity.
- c) The inability to distinguish the different parts raised doubts about whether the total quantity met the definition of ganja or constituted a commercial amount.
- d) The seized material was categorised as a non-commercial quantity due to its mixed nature.

3. Ali's counsel argued that there were significant delays in the trial, violating his right to a speedy trial under Article 21 of the Constitution. How does this constitutional right affect the bail decision?

- a) A violation of the right to a speedy trial automatically entitles the accused to bail.
- b) A delay in trial can be grounds for granting bail, especially if the accused has already spent a significant time in custody.
- c) The right to a speedy trial only applies after the accused is convicted.
- d) The right to a speedy trial has no bearing on bail decisions under the NDPS Act.

4. The Court granted bail to Ali with conditions including a personal bond of ₹50,000 and monthly reporting to the police station. What is the main purpose of imposing such conditions on bail?

- a) To ensure that Ali does not abscond and attends his trial.

- b) To punish Ali before his trial begins.
- c) To ensure that Ali pays compensation for the alleged crime.
- d) To allow Ali to serve part of his sentence before the trial.

5. The Court referenced a recent Supreme Court ruling on avoiding unreasonable delays in trials. How did this ruling influence Ali's case?

- a) It emphasised the need for expeditious trials, allowing the court to grant bail due to the unreasonable delay.
 - b) It led to Ali's immediate acquittal because the trial had been delayed.
 - c) It allowed the court to dismiss all charges against Ali due to the delay.
 - d) It required the trial court to impose a fine on the prosecution for the delay.
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Explanations and Answers:

1. Answer: b) The NDPS Act excludes seeds and leaves of the cannabis plant from the definition of ganja.

Explanation: Ali's defence focused on the specific legal definition of "ganja" under the NDPS Act, which applies only to the flowering or fruiting tops of the cannabis plant and excludes seeds and leaves. Since most of the seized material consisted of non-flowering parts, his defence argued that it did not meet the statutory definition of ganja.

2. Answer: c) The inability to distinguish the different parts raised doubts about whether the total quantity met the definition of ganja or constituted a commercial amount.

Explanation: The police's failure to segregate the various parts of the cannabis plant (seeds, leaves, stems, etc.) before weighing the contraband created uncertainty about whether the seized material was sufficient to constitute a commercial quantity under the NDPS Act. This lack of clarity supported Ali's defence.

3. Answer: b) A delay in trial can be grounds for granting bail, especially if the accused has already spent a significant time in custody.

Explanation: Under Article 21, the right to a speedy trial is a fundamental right. Prolonged delays in the trial process can justify bail, particularly when the accused has

been in custody for an extended period without significant progress in the case. While delays alone do not guarantee bail, they are a significant factor in such decisions.

4. Answer: a) To ensure that Ali does not abscond and attends his trial.

Explanation: Conditions like a personal bond and regular reporting to the police station are imposed to ensure that the accused remains available for court proceedings and does not flee. These conditions are designed to safeguard the integrity of the trial process while allowing the accused temporary freedom.

5. Answer: a) It emphasised the need for expeditious trials, allowing the court to grant bail due to the unreasonable delay.

Explanation: The Supreme Court's ruling on avoiding unreasonable delays highlights the importance of timely trials. In Ali's case, the Court considered the delay as a factor in his favour, reinforcing his right to a speedy trial under Article 21, and contributing to the decision to grant him bail.

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