



2026:AHC:163305

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 23304 of 2026

Mohd Idrish

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Piyush Patel, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sl. No. 58 out of 139)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Pradeep Kumar, learned counsel for the applicant, Sri D.K. Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 51 of 2026 under Section 8/20/23 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Sonauli, District -Maharajganj, during the pendency of trial.
4. As per the allegations of the FIR, 2 kgs and 300 grams of hydroponic weed is stated to have been recovered from the conscious possession of applicant by the police.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case by the police to show good work. The contraband recovered from the possession of the applicant is below commercial quantity, as it falls within the category of ganja/marijuana.
6. Learned counsel has further stated that the only difference between hydroponic weed and ganja is that weed is cultivated in artificial conditions and only water is used as the medium instead of soil. The law bans it as it is cannabis but the growing method does not change its legal status. The law enforcement treats hydroponic weed the same as traditional cannabis

regardless of how high its THC levels are or whether it was grown in water or in soil, as such, applicant is entitled for bail.

7. Learned counsel for the applicant has stated that there is no criminal history of the applicant. The applicant is languishing in jail since 9.6.2026. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned A.G.A. has vehemently opposed the bail application.

9. If the hydroponic crop is processed into specialized resins, oils, or pure THC concentrates (like shatter, wax, or vape liquids), the threshold drops drastically. For pure tetrahydrocannabinol (THC), a commercial quantity is just 50 grams.

10. Hydroponic weed is cannabis grown without soil using a water-based, nutrient-rich solution. Key aspects include faster growth rates, higher potency control, and complete indoor environmental management. The law bans it because it is cannabis and the growing method does not change its legal status. The law enforcement treats hydroponic weed the same as traditional cannabis regardless of how high its THC levels are or whether it was grown in water instead of soil.

11. Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment, the fact that the contraband recovered is below commercial quantity, at this stage without commenting on the merits of the case, *prima facie*, I find it a fit case for bail. The bail application is **allowed**.

12. Let the applicant- **Mohd Idrish**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. It is made clear that observations made in granting bail to the applicant

shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

August 4, 2026
Shalini