IN THE DISTRICT COURT OF NAURU
AT YAREN
CRIMINAL JURISDICTION

Criminal Case No. 19 of 2025

BETWEEN:	**THE REPUBLIC OF NAURU**
	APPLICANT
AND:	**JJSON ITSIMAERA**
	1st Defendant
AND:	**A.D.**
	2nd Defendant
BEFORE:	Resident Magistrate Mr. Vinay Sharma
TRIAL DATES:	30 September, 1, 2 & 21 October, and 12 & 28 November 2025
DATE OF JUDGMENT:	12 December 2025
APPEARANCE:	
APPLICANT:	M Suifa'asia
1st DEFENDANT:	R Tom
2nd DEFENDANT:	S Hazelman

JUDGMENT

INTRODUCTION

1. Jjson Itsimaera and A.D are jointly charged as follows:

Statement of offence

UNLAWFUL POSSESSION OF AN ILLICIT DRUG: *Contrary to Section 6 of the Illicit Drugs Control Act 2004.*

Particulars of Offence

JJSON ITSIMAERA AND A.D. *on the 25th day of May, 2025 at Yaren District in Nauru, without lawful authority, were found in possession of cannabis, an illicit drug, weighing a total of 0.4grams.*

2. The prosecution opened its case on 30 September 2025 and closed it on 2 October 2025. Senior Constable Kwaiman Harris ("PW1"), Senior Constable Jeshurun Harris ("PW2"), Sergeant Jamieson Laan ("PW3"), Inspector Danlobendhan Botelanga ("PW4"), Senior Constable Samuel Tagamoun ("PW5"), Senior Constable Valdon Dageago ("PW6"), and Sergeant Luke Agege ("PW7") gave evidence for the prosecution.

3. The defendants made an application for a *voir dire* challenging the admissibility of the seized cannabis, indicating that all the prosecution witnesses would need to be called to give evidence. Parties consented to the use of all the evidence received during the *voir dire* for the trial proper. The parties also agreed that the issues regarding the admissibility of the seized cannabis should be determined upon the close of the prosecution's case. As I preside over criminal cases as both trier of fact and trier of law, I found that this would be the most economical way to conduct the trial in this matter, mainly because the case involves a juvenile defendant and time is of the essence. Therefore, I proceeded on that basis.

4. Following the *voir dire*, I found that the seized cannabis was admissible evidence and admitted it as evidence.

5. On 12 November 2025, the defendants were put on their defence. Directions were given to them in relation to their right to remain silent, give evidence under oath or make an unsworn statement in court. The defendants chose to give evidence under oath. They then gave evidence, and thereafter closed their case.

6. The parties sought time to file written closing submissions. The defendants' counsel filed their closing submissions on 17 November 2025. The counsel for the prosecution filed her closing submissions on 28 November 2025. I heard the parties' closing submissions on 28 November 2025.

7. I am to determine the following:

   i. Whether there was a break in the chain of custody?
   ii. Whether the prosecution has proven beyond a reasonable doubt that on 25 May 2025, the defendants unlawfully possessed 0.4 grams of cannabis in contravention of section 6 of the ***Illicit Drugs Control Act 2004*** ("the Act")?

8. The following are my reasons for this judgment.

PRINCIPLES RELEVANT TO THE DECISION-MAKING

9. I will outline my role before I proceed to consider the evidence of the witnesses.

10. I am required to decide whether the prosecution has proven the essential elements of the alleged offence beyond a reasonable doubt. The prosecution has the onus to prove the elements of the charge beyond a reasonable doubt. The defendant is not required to prove or disprove anything. I cannot find the defendant guilty unless the evidence which I accept satisfies me beyond a reasonable doubt of his guilt. If there is an explanation consistent with the defendant's innocence, or if I am unsure where the truth lies, then I must find that the charge has not been proven beyond a reasonable doubt.

11. A reasonable doubt will result if, in my mind, I am left with an honest and reasonable uncertainty about the guilt of the defendant after I have given careful and impartial consideration of the evidence.

12. While the burden of proof is on the prosecution, it does not mean that every fact in dispute is to be proved beyond a reasonable doubt; only the elements of the charge need to be proven beyond a reasonable doubt. However, evidentiary facts must be clearly proved before they are treated as established.

13. I have considered all the evidence placed before me. I must determine whether each witness is honest, reliable, and credible. By doing so, I can rely on the evidence provided and make a finding that the facts have been proven. With this regard, I can accept part of the witness's evidence and reject part of that evidence or accept or reject it all. I am not required to give all evidence the same weight.

14. In assessing the credibility of a witness, I examined the veracity and/or sincerity of the

witness to see whether he or she was trying to be truthful. Further, to assess the reliability of a witness, I examined the witness's ability to recall a memory accurately. The following are the factors that I considered:

a) ability and opportunity to observe events
b) firmness of memory
c) capacity to resist pressure to modify recollection
d) factors which might have resulted in reconstruction or mistaken recollection
e) willingness to make concessions where recollection may be faulty, especially when favorable to the other party
f) testimony that seems unreasonable, impossible or unlikely
g) partiality/motive to lie
h) general demeanor
i) Internal consistency: does testimony change during direct or cross examination?
j) External consistency: does testimony harmonize with accepted, independent evidence?[1]

15. I remind myself that inaccuracy about secondary, marginal or unimportant facts often arises in cases because the witnesses are focused on central facts, and may differ on what evidence they give based on what they perceive to be essential. Further, witnesses also have different abilities in observing and recalling their memories.

16. I must deliver my judgment in accordance with the evidence, which would require me to make findings of fact upon considering the evidence before me. With this regard, I am to carefully consider the evidence logically and rationally, bringing an open and unbiased mind to the evidence, but I may use my common sense and experience in my assessment of the evidence before me. I must do this dispassionately, impartially, without prejudice, and without favour or ill-will.

17. From the established facts, I may draw a reasonable inference, which must be justifiable and drawn beyond a reasonable doubt. I must not draw an inference from the direct evidence unless it is a rational inference in all the circumstances.

18. The defendants did not have to give evidence on their behalf during their trial; however, they gave evidence in their defence and called a witness to give evidence on their behalf. His evidence is no better or worse than the evidence of the other witnesses, just because he is the defendant. I must approach his evidence in the same way that I would approach

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[1] ***R v Killman*** [2024] BCPC 104

the evidence of any other witness. I must also remind myself that the defendants did not assume any onus of proving anything at the hearing when they chose to give evidence in their defence. I can only find the defendant guilty of the alleged offences after I have considered all the evidence, and having done so, I have rejected the defendants' evidence, and accept beyond a reasonable doubt the prosecution's evidence in relation to the essential elements of the alleged offences.

19. I must emphasise that in reaching my decision, I am not required nor is it necessary for me to articulate findings about every part of the evidence. All I have to do is determine whether the prosecution has proven all the elements of the alleged offence beyond a reasonable doubt. With that regard, I may have to resolve some primary disputes over the facts.

20. I have considered all the evidence before me. I will summarise most of the evidence before me, and discuss the parts of the evidence which are essential to my analysis.

WHAT ARE THE ESTABLISHED FACTS?

21. I have considered all the evidence before me and find that there are no substantial inconsistencies in the evidence given by the prosecution witnesses and the defendants. Furthermore, I find the prosecution witnesses' evidence credible.

22. I accept PW1, PW2 and PW5's evidence that on 25 May 2025, they were instructed to attend a report at Ataro, Meneng District. The report pertained to a brawl between youths from Denig District and Meneng District. When they reached the scene of the brawl, the youths had dispersed. Bystanders informed them that the youths from Denig District had left on motorbikes and were carrying sticks and batons. With that information, they left the scene and travelled towards Boe District in the police vehicle. When they reached the "Pick n Pay" store in Yaren District, they saw a group of youths on motorbikes near the containers at "Pick n Pay". The group of youths fled, and only the defendants were stopped by the police officers.

23. I also accept PW1's testimony. He gave evidence that he stopped the defendants. He knew the 1st defendant through his reputation in relation to his involvement with cannabis. He also knew the 2nd defendant. He knew that they resided in Denig District. He stated that he asked the defendants to accompany them to the police station concerning the brawl that occurred at Ataro. He stated that the defendants complied and were taken to the police vehicle's can-cage. He drove the motorbike on which the defendants were travelling. He reached the police station first on the motorbike. The police vehicle arrived after him. At the police station, PW1 searched the motorbike because of the known history of the 1st defendant's involvement with cannabis. He

found a small plastic ziplock bag containing green leaves in the compartment under the motorbike seat. He stated that he did not remove it as instructed, leaving it in the compartment and closing the seat. The only inconsistency in his evidence was the colour of the ziplock seal. However, I find this inconsistency minor because a person's power of observation, retention, and recollection may be affected by confusion or nervousness. In this instance, PW1 identified the seized cannabis from photographic evidence that was taken the next day.

24. I accept PW2's evidence that the defendants were instructed to accompany them to the police station. At the police station, he escorted the defendants to the watchhouse, where they were searched. The defendants were searched because when the officers arrived at the police station in the police vehicle, they were informed that cannabis had been found in the motorbike. The motorbike was positioned directly in front of the watchhouse, near the police motorbikes. It was left there overnight with the cannabis.

25. I accept that PW5 drove the police vehicle. He assisted PW1 in escorting the defendants to the police vehicle's can-cage. He also heard PW1 tell the defendants that they would be picked up "to be questioned at the police station," meaning they would go to the police station for questioning. PW1 was standing in front of the motorbike on which the defendants were riding.

26. PW4 and PW6 conducted the NIK kit test on the seized substance, which tested positive for cannabis. Illicit Drugs Test Certificates were tendered as evidence by the two accordingly.

27. PW3 took photographs of the crime scene, the weighing and testing of the seized substance, the next day. He also tagged the exhibit. He also tendered as evidence the photographs that he took.

28. PW7 was in charge of the investigations. He also prepared the seizing officer's report because he uplifted the seized substance, took it for testing and then bagged and sealed it for safekeeping. However, PW7 did not tender the seized item as evidence.

29. The 2nd defendant's evidence was that on 25 May 2025, the 2nd defendant took his father's motorbike without his permission. He drove the bike to the church at Location. The motorbike was left unattended for a period of time. The defendants then left the church with a group of boys from Denig District. They went to the rubbish dumpsite at the Topside to catch chicken. The 2nd defendant did not have a driver's licence, so he asked the 1st defendant to drive the motorbike, and the 2nd defendant travelled with him as a passenger to the dumpsite.

30. When the defendants reached the dumpsite, they left the motorbike unattended once again. They both went their separate ways. They then returned to the motorbike. Only

the 2nd defendant had caught a chicken. From there, they got on the motorbike and travelled to a nearby drinking area. They were told to leave the area, so they went and took a "shortcut" from the topside that came out near the Pick n Pay Store. The police officers stopped them at the "shortcut". PW1 confirmed in his cross-examination that when they stopped the defendants, they had a chicken with them.

31. The 1st defendant's evidence is consistent with the 2nd defendant's and corroborates the same. Both deny knowing that there was cannabis in the compartment underneath the motorbike's seat. They also denied that the cannabis belonged to them. They stated that they did not open the seat to access the compartment underneath it from the time the motorbike was taken by the 2nd defendant from his home up until the time they were stopped by the police officers and taken to the police station.

32. The defendants' evidence has been consistent, and the police officers even confirm parts of their evidence, that is, that they had a chicken when they stopped them. I find them to be truthful for most of their evidence, if not all. Therefore, I accept their evidence as well.

WAS THERE A BREAK IN THE CHAIN OF CUSTODY?

33. There is no evidence before me that the seized cannabis was disposed of pursuant to section 38 of the Act.

34. The prosecution failed to tender into evidence the seized cannabis; this, coupled with the fact that the cannabis was left unattended overnight at the police station before PW7 collected it, raises substantial issues concerning the chain of custody and whether the cannabis that was seized is the same cannabis that was the subject of the tests by PW4 and PW6.

35. In light of the above, I find that I cannot give any weight to the evidence presented concerning the alleged seized cannabis.

36. Further, I am of the view that it would be appropriate for me to deal with other matters in relation to the presumption of possession before reaching my final determination in this matter.

WHETHER THE PROSECUTION HAS PROVEN BEYOND A REASONABLE DOUBT THAT THE DEFENDANTS UNLAWFULLY POSSESSED 0.4 GRAMS OF CANNABIS?

37. The defendants are charged with unlawful possession of an illicit drug in contravention of section 6 of the ***Illicit Drugs Control Act 2004***, which provided that:

Unlawful possession
A person who, without lawful authority, possesses any illicit drug commits an offence and is liable on conviction to a term of imprisonment of not less than 12 months but not exceeding 3 years.

38. The starting point is that the prosecution must prove beyond a reasonable doubt that the defendants unlawfully possessed 0.4 grams of cannabis.

39. The Act does not define the term "possession". However, many case authorities from jurisdictions with similar legislative provisions hold that the term "possession" requires a physical and mental element to be established before a finding of possession can be made. Most, if not all, refer to the leading authority of the House of Lords in ***Warner v Metropolitan Police Commissioner*** [1968] 2 All ER 356 as a starting point, in which Lord Wilberforce made the following observations at pages 391, 392, 393, and 394 of the judgment with regard to the term "possession" in the context of unlawful possession of an illicit drug:

> *The Act of 1964 refers to possession, a concept which is both central in many areas of our legal system, and also lacking in definition. As Viscount Jowitt has said of it "the English law has never worked out a completely logical and exhaustive definition of possession" (United States of America v Dollfus Mieg et Compagnie SA ([1952] 1 All ER 572 at p 581 [1952] AC 582 at p 605)). In relation to it we find English law, as so often, working by description rather than by definition. Ideally, a possessor of a thing has complete physical control over it; he has knowledge of its existence, its situation and its qualities; he has received it from a person who intends to confer possession of it and he has himself the intention to possess it exclusively of others. But these elements are seldom all present in situations with which the courts have to deal, and where one or more of them is lacking, or incompletely present, it has to be decided whether the given approximation is such that possession may be held sufficiently established to satisfy the relevant rule of law. As it is put by Pollock and Wrightj, possession is defined by modes or events in which it commences or ceases, and by the legal incidents attached to it.*
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> ...
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> *The Drugs (Prevention of Misuse) Act 1964, penalises the "possession" of drugs; it makes it unlawful to "have in possession" a specified substance. ...*
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> *What is prohibited is possession—a term which is inconclusive as to the final shades of mental intention needed, leaving these to be fixed in relation to the legal context in which the term is used. How should the determination be made?*

If room is to be found, as in my opinion it should, in legislation of this degree of severity, for acquittal of persons in whose case there is not present a minimum of the mental element, a line must be drawn which juries can distinguish. The question to which an answer is required, and in the end a jury must answer it, is whether in the circumstances the accused should be held to have possession of the substance rather than mere control. In order to decide between these two, the jury should, in my opinion, be invited to consider all the circumstances—to use again the words of Pollock and Wright—the "modes or events" by which the custody commences and the legal incident in which it is held. By these I mean relating them to typical situations, that they must consider the manner and circumstances in which the substance, or something which contains it, has been received, what knowledge or means of knowledge or guilty knowledge as to the presence of the substance, or as to the nature of what has been received, the accused had at the time of receipt or thereafter up to the moment when he is found with it. his legal relation to the substance or package (including his right of access to it). On such matters as these (not exhaustively stated) they must make the decision whether, in addition to physical control, he has, or ought to have imputed to him the intention to possess, or knowledge that he does possess, what is in fact a prohibited substance. If he has this intention or knowledge, it is not additionally necessary that he should know the nature of the substance. I see no difficulty in making clear to the jury what is required in order to establish possession and on this point I desire to associate myself with the observations of my noble and learned friend Lord Pearce.

...I think that the line was drawn here at the right point. On the same lines is the South African decision of R v Langa. There the drug ("dagga") was contained in a suitcase. The court held that mere physical control of it was not enough but it was the opinion of Watermeyer J that the necessary knowledge—viz guilty knowledge—might have been inferred from the fact that the accused took the suitcase to a witness by night and asked him to keep it, and that on arrest he told an implausible story about the suitcase and later in the box denied all knowledge of it. The Canadian case of Beaver v Reginam was another package case, and, as here, the question for the court was whether mere custody (control) was sufficient. The accused's story was that he believed the package to contain an innocent substance. The majority of the Supreme Court, with whose judgment I agree, held that mere custody (control) was not sufficient and it was clearly their view that if the accused had proved that he honestly believed the contents of the package to be innocent, he should have been acquitted of the charge of possession.

40. Wylie J in ***R v L HC Hamilton CRI 2007-019-9621*** [2009] NZHC 1586 (25 March 2009) at [27], [28], and [29], while referring to the ***Warner v Metropolitan Police Commissioner***, made the following observations concerning the elements of the

offence of unlawful possession of an illicit drug:

> *[27] Here both accused have been charged as principals. To obtain a conviction or convictions it is necessary for the Crown to adduce evidence sufficient to prove beyond reasonable doubt that either Mr L or Mr L or both of them were in possession of the methamphetamine.*
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> *[28] The concept of possession in the context of the Misuse of Drugs Act 1975 was explained in R v Cox [1990] NZCA 13; [1990] 2 NZLR 275. Hardie Boys J in the Court of Appeal's judgment observed as follows at 278:*
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> > *Possession involves two, not three, elements. The first, often called the physical element, is actual or potential physical custody or control. The second, often described as the mental element, and which may be called the element of mens rea, is a combination of knowledge and intention: knowledge in the sense of an awareness by the accused that the substance is in his possession (which is often to be inferred or presumed); and an intention to exercise possession. In the leading case of R v Warner [1969] 2 AC 256, Lord Morris of Borth-y-Gest expressed it this way at p 289:*
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> > > *"In my view, in order to establish possession the prosecution must prove that an accused was knowingly in control of something in circumstances which showed that he was assenting to being in control of it:"*
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> *[29] To establish the mental element of possession there must be knowledge of the presence of the drug, an intention to exercise possession over it, and a willingness to exercise that possession. There can of course be joint possession by more than one person of a drug, e.g. where the drug is shared or where two or more people have an interest in the drug.*

41. In light of the above authorities, I find that for a person to be guilty of an offence for unlawful possession of an illicit drug he or she must have:

    i. Custody or control of the illicit drug (that is, he or she must have physical possession of the illicit drug); and
    ii. The necessary mens rea to establish possession.

To establish the necessary mens rea, it needs to be proved that he or she has:

i. Sufficient knowledge of the presence of the illicit drug; and
ii. The intention to possess it exclusively for him or herself, except for those he or

she is in concert with.

42. The defendants are charged with joint unlawful possession of cannabis. Keith J in ***Abourizk v State*** [2022] FJSC 9; CAV0013.2019 (28 April 2022) at [28] and [29] made the following observations with regard to the requisite proof needed to establish "joint possession":

> *[28] Joint possession. At first sight, the prosecution was not alleging that the petitioners were in joint possession of the drugs. The charge did not state that they were jointly in possession of them, and so far as I can tell Mr Babitu, counsel for the prosecution at the trial, never told the court that what was being alleged was joint possession. On the other hand, the petitioners were both charged in the single charge. In other words, they did not face separate charges, each alleging possession of the drugs. Moreover, the judge treated the charge as one of joint possession, because (a) in his judgment he cited a long passage from Mohammed v The State [2014] FJCA 216 which dealt with joint possession, and (b) he purported to direct both the assessors and himself about what needs to be proved in a case of joint possession. Finally, the evidence was consistent with the petitioners being in joint possession of the drugs (on the assumption that they knew that there were drugs in one or other of the bags or suitcases): they were both in the car, they had been with each other at all material times, and they did the same things with the bags and suitcases (if ASP Neiko's evidence was to be believed). In these circumstances, we must, I think, proceed on the assumption that the case which the prosecution set out to prove was one of joint possession.*
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> *[29] So what has to be proved in a case of joint possession? Mohammed was a case similar to the present one. Drugs were found in a car with the two defendants in it. The allegation was that they were in joint possession of the drugs. Gamalath JA, giving the main judgment in the Court of Appeal, with which the other two judges agreed, said at para 35:*
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> > *"According to English Common Law, in attributing criminality for being in joint possession of an illicit drug, it should be based, not on the evidence of having the mere possession of the noxious item, but also on additional material to demonstrate that there had been extra beneficial factors that operate in furtherance of the interest of each confederate to the crime." (Emphasis supplied)*
> >
> > *Gamalath JA did not identify what those "extra beneficial factors" might be, but he referred to one authority and one textbook. The authority was R. v Searle [1971] Crim L R 592 – a case about small quantities of drugs found in a car with a number of people in it. In that*

case, the Court of Appeal in England said that "an appropriate direction would be to invite the jury to consider whether the drugs formed a common pool from which all had the right to draw at will, and whether there was a joint enterprise to consume drugs together".

Because that case was about the consumption of small amounts of drugs, it is of less help than the other matter to which Gamalath JA referred, which was of more general application. He cited the following passage from the 2012 edition of Archbold at para 27-69:

> *"An allegation of joint possession of drugs, where they have not been found on the person of any of the joint possessors, entails an allegation that each had the right to say what should be done with the drugs, a right shared with the other joint possessors."*

I regard that as an accurate statement of the law, and if Gamalath JA was saying that in a case such as ours, where the allegation is one of joint possession, it is for the prosecution to prove that each defendant had the right to say what should be done with the drugs, I would agree with him.

43. In the current matter, the prosecution would also have to prove beyond a reasonable doubt that both defendants had a right to "*say what should be done with the drugs*", and in the current circumstances I would need to consider whether *"the drugs formed a common pool from which all had the right to draw at will, and whether there was a joint enterprise to consume drugs together".*

44. Section 41 of the Act makes provision for a presumption of fact as follows:

> ***Presumption relating to possession of illicit drugs***
> *Where in the prosecution of a person for an offence under this Act or the regulations, it is proved that an illicit drug, controlled chemical or controlled equipment was found:*
> *(a) in the immediate vicinity of the accused; or*
> ***(b) on any animal, vehicle, craft and that the accused was at the time on or in charge of, or that he or she accompanied, any such animal, vehicle or craft,***
> *it is presumed, until the contrary is proved, that the accused was found in possession of the illicit drug, controlled chemical or controlled equipment. (my emphasis)*

45. Section 27 of the ***Crimes Act 2016*** provides as follows:

> ***27 Legal burden of proof on defendant***

(1) A burden of proof that a written law imposes on the defendant is a legal burden if the Act expressly:

(a) specifies that the burden of proof in relation to the matter in question is a legal burden;

(b) ***requires the defendant to prove the matter****; or*

(c) creates a presumption that the matter exists unless the contrary is proved.

(2) ***A legal burden of proof on the defendant shall be discharged on the balance of probabilities****.*

46. In the current circumstances, the cannabis was seized from the motorbike, which the 1st defendant drove, and the 2nd defendant was the passenger. Section 41(b) of the Act is engaged; therefore, a presumption of possession is established.

47. As per section 27 of the ***Crimes Act 2016***, section 41 of the Act places a legal burden on the defendants which is to be discharged by them on a balance of probabilities. When determining whether the defendants have displaced the presumption of possession, I would need to consider all the evidence before me to decide, upon the balance of probabilities, that the defendants have proved that they did not possess the cannabis.

48. The defendants gave evidence that they did not open the seat of the motorbike to access the compartment beneath it from the point in time when the 2nd defendant took the motorbike from his home to the point in time when the police officers stopped them. They deny the fact that the seized cannabis belongs to them. They also gave evidence that the motorbike was left unattended at the church and the dumpsite, implying that someone else put the cannabis in the compartment underneath the seat when the motorbike was unattended at the church and the dumpsite. The probability of one of the defendants' friends concealing their cannabis in the motorbike belonging to the 2nd defendant's father is unlikely, especially when there is no evidence that there were circumstances that would justify one of the friends to conceal their cannabis.

49. This in itself does not resolve the matter before me. It is an undisputed fact that the 2nd defendant's father owns the motorbike in which the cannabis was found. The prosecution bears the onus to prove its case beyond a reasonable doubt. This would require the prosecution to negate all other reasonable possibilities. However, the prosecution failed to lead any evidence from the owner of the motorbike concerning the contents of the motorbike's concealed compartment underneath its seat when it was parked at the owner's home before the 2nd defendant took the motorbike. This in itself creates a reasonable doubt that the cannabis may have been in the concealed compartment underneath the motorbike's seat well before the 2nd defendant took the motorbike.

50. This inherently weakens the prosecution's case, and when balanced with all the evidence before me, makes the defendant's version of events more likely. Therefore, I find that the defendants have displaced the presumption of possession on a balance of probabilities.

51. In addition to this, the prosecution's case has always been that the seized cannabis belonged to the 1st defendant. There is no other evidence to establish joint possession, that is, that both the defendant exercised exclusive possession of the cannabis and that either of them could take from it for their own use, and that both of them had entered into a joint enterprise to consume the cannabis. Therefore, there is no evidence to establish that the 2nd defendant was in possession of the alleged seized cannabis.

52. In light of the above, I find that the prosecution has not proved beyond a reasonable doubt that the defendants unlawfully possessed 0.4 grams of cannabis as charged.

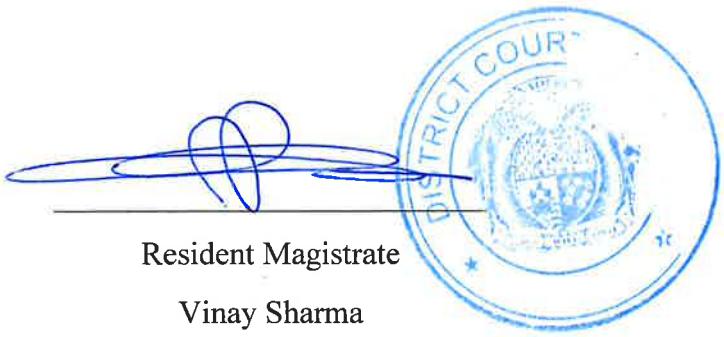
VERDICT

53. For the foregoing reasons, I find the defendants not guilty of the charge laid against them.

ORDERS

54. The defendants are to be released from remand custody with immediate effect.

Dated this 12th day of December 2025.



Resident Magistrate

Vinay Sharma