

Drugs – simple possession

The prosecution allege that the defendant had cannabis in his possession

It is not in dispute that the cigarette seized by the police contained cannabis.
So, the only thing you have to decide is whether or not the defendant was in possession of the cigarette.

As a matter of law possession involves two elements – control and knowledge

It is not possible to possess an unlawful drug without knowing that you have it.

So, the key questions for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you are

Did D** know that the cigarette contained cannabis?
If he did, did he have control over it?

If you are sure that answer to both questions is “yes”, he is guilty of Count *. If the answer to either question may be “no”, he is not guilty of that count.