

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.705 of 2022

Suroj Khillo

....

Petitioner

Mr. Amulya Ratna Panda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

02.05.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with T.R. Case No.1 of 2021 arising out of Semiliguda P.S. Case No.2 of 2021 pending in the court of the learned Additional Sessions Judge-cum-Special Judge, Koraput for commission of offences under Sections 20(b)(ii)(C)/29 of N.D.P.S. Act has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. Brief fact of the case is that on 03.01.2021 while the informant along with his other police staffs were performing patrolling, they got a reliable information that some persons were illegally transporting ganja by a Scorpio vehicle bearing Registration No.OD-02-AJ-8899 and proceeded to the spot. After some time they found one white colour Scorpio bearing Registration No.OD-02-AJ-8899 was coming from the Kunduli to Kokriguda Chhak being escorted by two persons riding black colour Honda Grazia Scooty bearing Registration No.OD-10M-

7128. They detained the Scooty first but the pillion rider of the Scooty managed to escape from the spot. Thereafter, they signaled to stop the Scorpio vehicle of the aforesaid number wherein three out of four occupants ran towards the nearest jungle. However, the driver of the Scorpio vehicle was arrested and on being asked, he disclosed his name. On being searched, a number of plastic bags weighing about 110 Kg of 'ganja' were recovered in their presence. After observing all formalities, they seized the same and forwarded them to the Court after arrest.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner was a driver. He was not aware of transportation of the contraband articles. Moreover, essential provisions of the N.D.P.S. Act were not complied with at the time of search and seizure. The petitioner is in custody since 04.01.2021.

6. Learned counsel for the State vehemently opposed the prayer for bail stating that the quantity of ganja seized is clearly above the commercial quantity prescribed under the N.D.P.S. Act which bars granting of bail. Also, there is nothing on record to suggest that the petitioner has not committed the alleged offence.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and also the statutory bar to grant bail under Section 37(1) of the N.D.P.S. Act in an offence of this nature without recording the satisfaction that there are reasonable grounds for believing that the petitioner is not guilty

of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the petitioner's bail is devoid of merit. Hence, his prayer for bail stands rejected.

8. Accordingly, the BLAPL is disposed of being dismissed.

9. Urgent certified copy of this order be granted on proper application.

(S.K. Panigrahi)
Judge

BJ

