

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1239 of 2022

Arjun Golory

...

Petitioner

Mr. M.K. Mohapatro, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.02.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody in connection with Chitrakonda P.S. Case No.119/2021 corresponding to G.R. Case No. 95 of 2021 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 20(b)(ii)(C), 25, 27 & 29 of the NDPS Act.
4. The prosecution case is that 811 Kgs 300 grams of ganja was recovered from the possession of the accused persons.
5. Learned counsel for the petitioner has drawn the attention of the Court to the copy of the F.I.R., where it has been clearly stated that the name of the petitioner has been indicated as the supplier and nothing was seized from his possession. Moreover, he was implicated on the basis of the statement of the co-accused.

6. Learned Additional Standing Counsel has opposed the prayer for bail by submitting that the quantity of Ganja seized is huge and hence the bar under Section 37 of the NDPS Act applies.

7. Having regard to rival submissions and the fact that even though the seized contraband is more than the commercial quantity, yet as per the prosecution case, nothing was seized from the exclusive and conscious possession of the petitioner and he was implicated entirely on the basis of the statement of the co-accused persons, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose in the aforesaid case including the condition that he shall personally appear before the trial court on each date of posting of the case, failing which necessary adverse orders may be passed against him.

8. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge