

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1633 of 2022

Ashik Rasul Khan @ Julu

....

Petitioner

Mr.P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, A.S.C

CORAM: JUSTICE S. K. PANIGRAHI

Order No.

ORDER

19.04.2022

02.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner being in custody in connection with Bolangir Sadar P.S. Case No.30 of 2021 corresponding to Special G.R. Case No.10 of 2021 pending on the file of the learned 2nd Additional Sessions Judge-cum-Special Judge, Balangir for the alleged commission of offences under Sections 21(C) & 29 of the N.D.P.S. Act has prayed for his release on bail.

4. It is alleged that on 27.01.2021 at 11.30 A.M. while the informant along with staff were conducting patrolling duty near Barapurugia village got information regarding transportation of huge quantity of contraband Eskuf Cough Syrup in a Chevrolet Enjoy vehicle. The police personnel blocked the road and detained the vehicle. On search, they found 34 numbers of plastic bags containing 5440 numbers of sealed bottles of Eskuf cough syrup of 100 mls capacity each. It was written on the labe of the cough syrup that it contains 10 mg. of codeine

phosphate IP in each 5 M/s of syrup. So, each bottle contains 200 mg. of codeine phosphate. The total weight of codeine phosphate in all 5440 bottles was 1 Kg. 088 grams which is commercial quantity and barred by Section 37 of the NDPS Act. The accused persons failed to produce invoice, license or authority in support of possessing the bottles.

5. Learned counsel for the petitioner submits tht the petitioner is in custody since 27.01.2021. He had been engaged to transport the seized articles which were already packed in bags and therefore he had no occasion to know the contents thereof which he was transporting.

6. Learned counsel for the State vehemently objected to the prayer of the petitioner for release on bail. These kind of cough syrups are being smuggled into the States without any license and used for intoxication purpose. Hence, he does not deserve for bail.

7. Considering the aforesaid submissions and the facts of the case, the prayer for bail stands rejected.

8. The BLAPL is accordingly, dismissed.

(S. K. Panigrahi)
Judge