

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1548 OF 2021

Sastik Biswas

..... ***Petitioner***
Mr. Somanath Mitra, Adv.

State of Odisha

-versus-

..... ***Opposite Party***
Mr. D. Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
22.03.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with 2(a) C.C. Case No. 03 of 2021 corresponding to EISEB Unit-II CTC P.R. Case No. 130 of 2020-21, pending on the file of the learned Sessions Judge-Cum-Special Judge, Cuttack, for the alleged commission of offence under Sections-20(b)(ii)(C) of the N.D.P.S. Act and the petitioner is in custody since 18.01.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack by Order dtd. 28.01.2021 in 2(a) C.C. Case No. 03 of 2021, the present BLAPL has been filed.

4. Heard Mr. Somanath Mitra, learned counsel for the petitioner and Mr. D. Mund, learned Additional Government Advocate for the State.

5. It is stated by the prosecution report that the present petitioner was sitting in the rear seat of the car with a bag containing 18 Kgs. of contraband 'Ganja' and on further search an additional amount of 36 Kgs. of contraband 'Ganja' recovered from the boot of the vehicle.

6. Learned counsel for the petitioner submits that the recovery from the boot of the vehicle cannot be attributed to him and he can only be hold responsible for being in conscious possession of the 18 Kgs recovered from him and it is further stated that he is in custody since 18.01.2021.

7. Taking into account the total quantity of the contraband recovered, this Court at this stage does not find force in the submission of the learned counsel for the petitioner that only 18 Kgs of contraband should be attributed to him. Accordingly, this Court is not inclined to release the petitioner on bail and the same stands rejected.

8. It shall be open for the petitioner to renew his prayer at later stage, if so advised.

9. The Bail Application thus stands dismissed.

10. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*