

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1677 of 2021

Dhiroj Gadatya @ Dinesh* *Petitioner

Mr.N.S. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

Mr.S.S. Pradhan,
Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
17.03.2022**

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application for bail under section 439 of Cr.P.C. in connection with Cuttack E.I. & E.B. Unit No.1 Excise P.R. Case No. 156 of 2020-21 corresponding to 2(a) C.C. Case No.04 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Cuttack for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The prayer for bail of the petitioner was rejected by the learned Sessions Judge -cum- Special Judge, Cuttack vide order dated 04.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.01.2021 and he is having no criminal antecedents. Learned counsel further submitted that one of the co-accused similarly situated, namely, Udaya Kumar Sahu, who was the driver of the offending vehicle has been released on bail by this Court in BLAPL No. 4390 of 2021 as per order dated 23.08.2021 and therefore, the bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail and submitted that 22kg. of commercial quantity of ganja was seized from the offending vehicle and therefore, in view of the bar under section 37 of the N.D.P.S. Act, the petitioner is not entitled to be released on bail.

On perusal of the bail order of the co-accused Udaya Kumar Sahu, it appears that no such finding has been given on the bar under section 37 of the N.D.P.S. Act. Therefore, I am of the view that on the basis of such bail order, the petitioner cannot claim parity.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the quantity of ganja seized and keeping in view of the bar under section 37 of the N.D.P.S. Act, at this stage while not inclining to release the petitioner on bail, I direct the learned trial Court to expedite the trial and conclude

the same within a period of six months from the date of receipt of a copy of the order. The petitioner is at liberty to renew his prayer for bail if the trial is not concluded within the said period.

The BLAPL is accordingly disposed of.

A copy of the order be communicated to the learned trial Court forthwith.

(S.K. Sahoo)
Judge

PKSahoo

