

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.2551 OF 2022

Parsuram Sisa

.... ***Petitioner***
Mr. M. Padhy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH

ORDER
11.05.2022

Order No.

01. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner who is in custody in connection with Machhkund P.S. Case No.30 of 2019 corresponding to T.R. Case No.10 of 2019 on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput running for commission of offence under Section-20(b)(ii)(C)/25/29 of the NDPS Act, in filing this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned Counsel for the Petitioner submits that despite the fact that the Petitioner is in custody since 08.06.2019, the trial is yet to make any noticeable progress and for that reason, one co-accused has been granted with interim bail. He further submits that the materials on record do not indicate that the Petitioner was arrested at the spot and as such he cannot be attributed with knowledge of keeping of ganja in the said vehicle. In view of above, he prays for reconsideration of the prayer for grant of bail to the Petitioner as according to him, the bar contained in section-37 of the Act at this stage does not stand on the way.
4. Learned Counsel for the State opposes the move. He submits that here it is a case of seizure of 400 Kgs. and 800 grams

of ganja from the vehicle; wherein the Petitioner being very much present, had somehow managed to escape which receives support from the materials on record. He submits that the materials on record being viewed, prima facie show the Petitioner's involvement in the transportation of such huge quantity of ganja. It is submitted that in the facts and circumstances as those emanate from the materials on record; there being no such explanation coming from the side of the Petitioner; the bar contained under section-37 of the Act squarely stands on the way. He also submits that the Petitioner is being a resident of the State of Andhra Pradesh, his release on bail would not be in the interest of justice as in that event the trial is bound to suffer.

5. Considering the submissions made, further keeping in view the quantity of contraband ganja said to have been seized from the vehicle in which the petitioner was travelling as those emanates from the materials on record; as also the surrounding circumstances; I do not find it to be a fit case for reconsideration of the prayer for grant of bail to the Petitioner.

6. The BLAPL is accordingly dismissed.
Issue urgent certified copy as per rules.

(D. Dash),
Judge.

Narayan