

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 2019 of 2021**

***Manoj Ku. Nayak and another*** .... ***Petitioners***

Mr. P.R. Singh, Advocate

*-versus-*

***State of Odisha*** .... ***Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**25.03.2022**

**Order No.**

**05.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned State counsel.
3. The petitioner is an accused in C.T. (Special) NDPS Case No.03 of 2021, on the files of learned Judge, Special Court, Dhenkanal, arising out of Dhenkanal Town P.S. Case No.75 of 2021, U/s.20(b)(ii)(c) of N.D.P.S Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Judge Special Court Dhenkanal, by order dated 02.03.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 11.02.2021. He was

travelling as a passenger, who is no way connected with the business of the Ganja. It is stated that the petitioner had no knowledge about transportation of contraband ganja to the tune of 34 kilograms and 242 grams in the said vehicle and therefore, the bail application of the petitioner may be favourably considered.

6. Learned counsel for the State, on the other hand opposed the prayer for bail, inter alia relying on bar under Section 37 of the NDPS Act.

7. Considering the submissions of the learned counsel for the respective parties, the nature and gravity of accusation, the quantity of ganja seized from the vehicle and bar under Section 37 of the N.D.P.S. Act at this stage, while not inclined to release the petitioner on bail, I direct the learned Court below to expedite the framing of charge and conclude the trial within a period of four months from the date of framing of charge. The petitioner is at liberty to renew his prayer for bail if the trial is not concluded within the said period.

8. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**

*Santoshi*