

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2635 of 2022

Krishna Kumar Parjapati

....

Petitioner

Swayamprava Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.N. Rout, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

16.05.2022

Order No.

01. 1. This 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 Sonapur P.S. Case No.98 of 2018 corresponding to Special G.R. Case No.19 of 2018 pending on the file of the learned Sessions Judge-cum-Special Judge, Sonapur, running for the alleged commission of offence under sections 20(b)(ii)(c) of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail.
3. Learned counsel for the Petitioner submits that on the allegation that the Petitioner in possession of 56 kgs of ganja kept in two plastic bags recovered from the dickey of the vehicle which he was driving, he has been in custody since 30.06.2018 and the trial has not made any such noticeable progress. He further submits that this Petitioner being the

employee under the owner of the vehicle was simply carrying out his directions in driving the vehicle and he had no knowledge about the keeping of ganja in the bags of the dicky of the vehicle. In view of all these above, he urges for grant of bail to this Petitioner on such terms and conditions as this Court deems just and proper, as according to him, in the facts and circumstances of the case the bar under section 37 of the Act may not stand on the way.

4. Learned counsel for the State opposes the move as the quantity of contraband ganja of 56 kgs falls as commercial quantity. It is also submitted that the Petitioner in the facts and circumstances cannot feign his ignorance as to keeping of the bags containing ganja. He also expresses the apprehension that the Petitioner being an outsider; there remains all the possibilities on his part to flee from justice.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the petitioner as also the quantity of seized contraband with other surrounding circumstances including the period of detention of the petitioner in custody and on going through the order passed by the learned Special Judge-cum- Sessions Judge; in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner in the aforesaid case, it is directed that the petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court is seisin of the case with further conditions that:-

- (i) he will appear in person on each date of posting of the case before the court in seisin of the case without fail;
 - (ii) will report before the Officer-in-Charge of the Kobra (C.G.) police station, village.-Budwari, Dist-Kobara, State of Chatisgarh once in a month without fail till conclusion of trial; and
 - (iii) will give his contact address and cell phone numbers by furnishing affidavit and in case of change shall so intimate by further affidavit before the court in seisin of the case.
- 6. The BLAPL is accordingly disposed of.
 - 7. Issue urgent certified copy as per rules.

