

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2724 of 2022

Mohammad Azaruddin

....

Petitioner

Mr. R.L. Pattnaik
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.4.2022.

Order No.

01.

1. This matter is taken up through virtual mode.

2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 16th August, 2021 in connection with Machhakund P.S. Case No.65/2021 corresponding to T.R. Case No.71/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of the offence under Sections 20 (b)(ii)(C) and 25 of the NDPS Act.

4. The prosecution allegation is that the Petitioner along with some other persons were apprehended while they were transporting 109 kgs. 100 grams of contraband ganja. It is strenuously argued by Mr. Patnaik, learned counsel for the Petitioner, that the F.I.R. does not at all reveal that anything was seized from the conscious possession of the Petitioner, rather the person who ran away from the spot has to be treated as the actual offender.

5. Mr. P.K.Maharaj, learned counsel for the State, has opposed the prayer for bail by submitting that since the Petitioner and other occupants of the vehicle, except the driver, were apprehended at the spot and the contraband article was found in the dickey of the car, it cannot be held that the same was seized from the conscious possession of the Petitioner.

6. Having regard to the above submissions and the fact that the contraband allegedly seized from the possession of the Petitioner is more than commercial quantity, I am not inclined to allow the prayer for bail, which is, therefore, rejected.

AKB

(Sashikanta Mishra)
Judge