

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2770 OF 2022

C. (Chanti) Suresh

....

Petitioner

Mr. P.K. Nanda, Advocate

-versus-

Union of India (NCB)

....

Opposite Party

Mr. S. Panda, Adv. (CGC).

CORAM:

MR. JUSTICE D.DASH

ORDER

14.09.2022

Order No.

- 01.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. This is the second journey of the Petitioner who is in custody in connection with Narcotics Control Bureau Crime No.08/NCB/BBSR/2018 corresponding to T.R. Case No.47 of 2018 pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri, running for commission of offence under Section- 20(b)(ii)(C)/25/28/29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
 3. Mr. P.K. Nanda, Learned Counsel for the Petitioner submits that here the keeping of ganja in the vehicle in question was not within the knowledge of the Petitioner who was simply travelling as the Helper of the truck and for that he has been the victim of the circumstance when seizure of the contraband from

the vehicle was made. He further submits that the vehicle being loaded with the salt bags, few bags containing contraband having somewhere been kept underneath, this Petitioner being the Helper of the truck or even as a traveler, his knowledge is not remotely inferable in the absence of any further material in support of his presence at the time of loading or about his supervision of the said loading which in the present case has not come to surface. In view of all these above, citing the period of detention of the Petitioner in custody since 26.05.2018, he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Mr. S. Panda, learned Counsel for the NCB submits that the vehicle in question was being driven by accused. Moogi Venkataswaralu and this Petitioner at the relevant time was sitting in the vehicle. He further submits that no such material has come to surface to show that the Petitioner was the Helper of the truck and it is simply his own version. He submits that here on the basis of prior information, the vehicle being tracked, there has been recovery of 1598 kgs. of ganja kept in the bags in a well designed manner that it cannot be so easily detected . He submits that at this stage of the present case which is running for involvement of the Petitioner in transportation of such huge quantity of ganja, the bar under Section-37 of the NDPS Act squarely stands on the way of grant of bail as even for his presence as helper as is stated, he can be attributed with the knowledge as to carriage of huge quantity of ganja since as a helper, he is to take charge of the goods for their safe carriage.

5. Considering the submissions made and on going through the materials on record, as to the circumstances leading to seizure,

this Court is not in a position to take the period of detention of the Petitioner as the changing circumstance for reconsideration of the prayer for grant of bail to the Petitioner. Accordingly, the prayer for bail stands rejected.

Taking into account the period of detention of the Petitioner in custody, it is however observed that the Trial Court would do well to take all such effective steps as provided in law for early conclusion of the trial.

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

Narayan



***(D. Dash),
Judge.***