

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO. 2390 of 2021

Jayaram Khada

....

Petitioner

Mr.ManoranjanPady
Advocate

-versus-

State of Odisha

....Opposite Party

Mr.G.R.Mohapatra, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
20.06.2022

06. 1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner is an accused in T.R.Case No.44 of 2020 arising out of Jeypore Sadar P.S.Case No.145 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, Koraput, Jeypore for commission of offence under Section 20(b)(ii)(C) of N.D.P.S.Act.
4. Brief fact of the case is that on 04.08.2020 the S.I. of Police, Jeypore Sdar P.S. along with his staff on getting an information from a reliable source proceeded towards Satiguda bridge and noticed a Container Vehicle bearing registration No. RJ-14GK-5671, coming towards Jeypore Town side. On seeing the said vehicle, they detained it and found seven occupants inside the said vehicle. On being searched of the said Container Vehicle they recovered 93 numbers of bundles containing contraband ganja weighing about 484 Kgs of 200 grams Thereafter, they seized the same including other incriminating materials and accused was forwarded to the Court.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He had no knowledge about the contraband ganja being transported in the seized vehicle in a concealed manner inside the cotton packed jerry bags. He was only engaged as a labourer to load the said cotton packed jerry bags. Moreover, essential provisions of the NDPS Act were not complied with at the time of search and seizure. The petitioner is in custody since 05.08.2020.

6. Learned counsel for the State vehemently opposed the prayer for bail stating that the quantity of ganja seized is clearly above the commercial quantity prescribed under the Act which bars granting of bail. Also, there is nothing on record to suggest that the accused person has not committed the alleged offence.

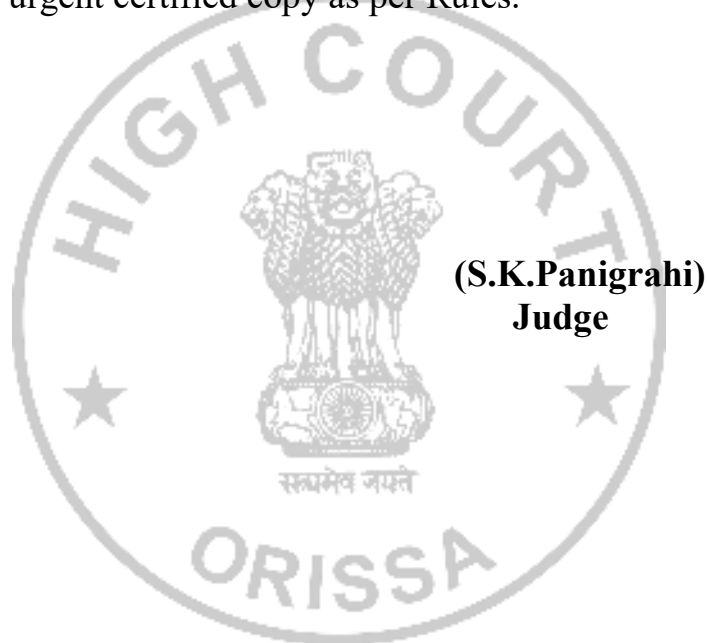
7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and also the statutory bar to grant bail under Section 37(1) of the NDPS Act in an offence of this nature without recording the satisfaction that there are reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the petitioner's bail is devoid of merit. Hence, his prayer for bail stands rejected.

8. Accordingly, the BLAPL is dismissed.

9. Additionally, since the grounds taken in the I.A No.435 of 2022 filed by the petitioner for interim bail, are not reasonable, the same is also dismissed.

10. However, since it is prayed for expedite of trial, the trial court is directed to conclude the trial preferably within a period of six months. In case the trial of the case could not be completed within the stipulated period, the petitioner is at liberty to approach this Court.

11. Issue urgent certified copy as per Rules.



LB