

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3559 of 2022

Tej Bahadur Singh

.... ***Petitioner***
Mr. A.P. Bose, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.R. Roul, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
06.12.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with Jeypore Sadar P.S. G.D. Case No.102 of 2021 corresponding to Special T.R. Case No.41 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Koraput, Jeypore for commission of offences punishable under Sections 20(b)(ii)(C) of N.D.P.S. Act, on the allegation of transporting commercial quantity of contraband Ganja to the tune of 438Kgs in a Truck.
 3. In the course of hearing of the bail application, Mr. A.P. Bose, learned counsel for the petitioner fairly submits that although the petitioner having allegedly apprehended from the truck in which huge quantity of contraband Ganja was being carried, but the child-

in- conflict with law allegedly apprehended along with the petitioner has already been granted bail and also another co-accused namely Akhaya Kumar Swain who was arraigned as an accused in supplementary charge-sheet has also been granted bail in BLAPL No.9008 of 2021. It is also submitted by him that another two co-accused persons have been granted bail, but the petitioner is languishing inside jail custody since 10.06.2021 and trial is yet to progress and, therefore, the petitioner may kindly be enlarged on bail.

4. On the contrary, Mr. S.R. Roul, learned ASC for the State submits that the petitioner having found in possession of commercial quantity of contraband Ganja, thereby, Section 37 of N.D.P.S. Act would operate as a Bar for release of the petitioner on bail. It is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and taking into consideration the specific allegation against the petitioner for being found in the truck in which commercial quantity of contraband Ganja to the tune of 438Kgs. was been carried and keeping in view the fact that when the learned A.S.C for the State has opposed the release of the petitioner on bail, this Court considers it difficult to record satisfaction on a conspectus of materials on record that there are reasonable grounds for believing that the accused is not guilty of such offence and he is unlikely to commit offence while on bail, which is the mandate of Section 37 of N.D.P.S. Act and taking into consideration the other circumstance in

entirety as well as the law laid down in *State of Kerala vrs Rajesh and others*;(2020) 12 SCC 122, this Court, therefore, does not find any merit in the bail application of the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected. Trial be expedited as requested by learned counsel for the petitioner.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

