

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.3786 of 2022**

*Mojesh Gamango*

....

*Petitioner*

*Mr. Manoranjan Padhy, Adv.*

*-versus-*

*State of Odisha*

....

*Opp. Party*

*Mr.G.R. Mohapatra,  
ASC*

**CORAM:**  
**DR. JUSTICE S.K. PANIGRAHI**

**Order**  
**No.**

**ORDER**  
**03.08.2022**

02. 1.This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner being in custody in connection with Badagada PS Case No.196 of 2019 corresponding to Special GR Case No.13 of 2019, pending in the court of the learned Special Judge-cum-ADJ, Bhanjanagar, registered for the alleged commission // 2 // Page 2 of 4 of offence under Sections 20(b)(ii)(C) of the NDPS Act, has filed this petition for his release on bail.
4. Bereft of unnecessary details, the gist of the prosecution case is that the informant-Pratap Chandra

Tripathy, IIC, Badagada PS lodged a written complaint alleging therein that while he along with his other staff were performing blocking duty on 12.09.2019 at about 9:30 AM at BadagadaSeragada road at Manikyapur Chowk at about 10:30 AM found that one metal colour Hyundai Xcent car bearing Regd. No.-OD-07-Y-4100 coming from Badagada side. The alleged car stopped on getting the signal of the informant and found that only driver was boarding in the said vehicle. While interrogating the present petitioner, three other vehicles came there and police stopped their vehicle. When the boarders of the vehicles saw police, they fled away from the spot. Police caught hold of three other accused persons from three other vehicles i.e. One Max Pickup Van bearing Regd. No. OD-07-N-0849, one Tata-407 bearing Regd. No. OD07-T-0125 and one Bolero bearing Regd. No. OD-20- Y-5834. One Majesh Gomango is the boarder of Tata-407 Vehicle, Manual Mandal is the boarder of Max-Pickup Vehicle, and Sindhu Gomango is the boarder of vehicle Bolero. On further interrogation, it was disclosed by the arrested persons that 7 other persons had fled away and they were transporting 'ganja' from Adava side to Badagad under Dharakote PS and that all the vehicles were being loaded with 'ganja'. Upon inquiring about the contents of the polythene bags, all the

accused persons confessed that the polythene bags contain contraband i.e. 'ganja'. After confirming the same, the informant immediately observed the formalities as per the provisions of the NDPS Act and invited two independent witnesses for the purpose of search and seizure. The nature of contraband was determined in the presence of witnesses. Upon weighing the total 84 number of bags, it was discovered that the contraband 'ganja' weighed 30 quintals and 4.470 Kgs. including the weight of the container. The contraband 'ganja' was recovered from the exclusive and conscious possession of the petitioner. The contraband and other articles were seized duly.

5. The Petitioner has failed to convince the Court and make out a case of release of the petitioner on bail, since there is no change in circumstances.

6. Accordingly, the BLAPL is rejected.

7. Urgent certified copy of this order be granted on proper application.

**(Dr. S.K. Panigrahi)**  
**Judge**

SD