

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4517 of 2022

Madhab Rao & another

..... Petitioners
M/s. G.Mohanty, Advocate

-versus-

State of Orissa

..... Opp. Party
M/s.P.K. Pattnaik, A.G.A

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.11.2022

Order No.

- 02.
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 Petitioners for grant of bail in connection with Jeypore Sadar P.S. Case No. 115 of 2022 corresponding to T.R. Case No.17 of 2022 pending in the Court of learned Sessions Judge, Koraput-Jeypore for commission of offence punishable U/Ss. 20(b)(ii)(C)/29 of the N.D.P.S. Act, on the allegation of transporting 100Kgs of contraband Ganja in four jerry bags in a Nano car.
 3. In the course of hearing of the bail application, Mr.G.Mohanty, learned counsel for the petitioners submits by referring to the facts of the case that the petitioners are innocent persons and there appears hardly any material against the petitioners for transporting the contraband Ganja. Learned counsel for the petitioners under aforesaid submissions prays to enlarge the petitioners on bail.
 4. On the contrary, learned counsel for the State, however, opposes the bail application of the petitioners by invoking the

mandatory provision of Sec.37 of N.D.P.S. Act.

5. Considering the rival submissions made for the parties, nature and gravity of accusations as also the offence against the petitioners and regard being had to the quantity of contraband Ganja allegedly seized in this case and the fact that when the bail application of the petitioners was opposed to by learned counsel for the State, it would be impossible on the part of the Court on a conspectus of materials on record at this stage to accord satisfaction that the petitioners are not guilty for offence involving commercial quantity of contraband substance and they are unlikely to commit similar type of offence while on bail which is the mandatory conditions U/S. 37 of N.D.P.S. Act for grant of bail, this Court considers that the petitioners have made out a case for grant of bail to them.

6. Hence, the prayer for bail of the petitioners rejected.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge