

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4601 of 2022

Anil Batra

....

Petitioner

Mr.S.K. Lenka, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.Arupananda Das,

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
26.10.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R.P.S. Case No.84 of 2020 corresponding to T.R. Case No.328 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Bhubaneswar for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The prayer for bail of the petitioner was rejected by the learned 2nd Addl. Sessions Judge, Bhubaneswar in-charge vide order dated 12.05.2022.

It appears that the petitioner had earlier

approached this Court for bail in BLAPL No. 53 of 2021 and the same was rejected as per order dated 20.09.2021 taking into account the accusation that there was seizure of 411.3 kgs. of ganja and the bar under section 37 of the N.D.P.S. Act and particularly, in view of the statement of one Alok Kumar Jali, who carried the cartoons containing ganja in a truck on being loaded by the petitioner and handed over to two persons at Bhubaneswar.

Learned counsel for the petitioner submitted that two of the co-accused persons, namely, Sagar Kumar Pradhan and Santosh Kumar Sahoo have been granted bail by this Court in BLAPL No. 2062 of 2021 as per order dated 26.04.2022. He produced the bail order copy passed in respect of the aforesaid two co-accused persons, which is taken on record.

It seems from the aforesaid bail order that taking into account the statement of Alok Kumar Jali, who has been examined as P.W.1 in the learned trial Court in which he has not whispered anything against those two co-accused persons, bail was granted to them. The case of the petitioner stands in a completely different footing than the aforesaid two co-accused persons inasmuch as P.W.1 has implicated only the petitioner Anil Batra.

In view of the available materials on record and seizure of huge quantity of ganja and keeping in view the bar under section 37 of the N.D.P.S. Act and

absence of the claim of parity with the aforesaid two co-accused persons, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail stands rejected.

The BLAPL stands disposed of accordingly.

(S.K. Sahoo)
Judge

PKSahoo

