

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4864 of 2022

Sumanta Majhi

....

Petitioner

Mr. A.K.Mohanty, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. R.Tripathy, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.12.2022

Order No.

- 04.
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 Adava P.S. Case No.60 of 2021 arising out of G.R. Case No.69 of 2021 pending in the Court of learned Special Judge, Gajapati, Paralakhemundi for commission of offences punishable under Sections 20(b)(ii)(C) of N.D.P.S. Act read with Section 25 and 29 of N.D.P.S. Act on the allegation of transporting 847Kgs. of contraband Ganja in a Tata-407 mini truck.
 3. In the course of hearing of the bail application, Mr. A.K.Mohanty, learned counsel for the petitioner submits that the petitioner is inside custody since 27.05.2021 and the seizure list indicates recovery of only the wearing apparels of the petitioner. It is further submitted that even in case the prosecution allegations are taken into consideration, no case U/S. 20(b)(ii)(C) of N.D.P.S. Act is made out against the petitioner since the petitioner is a labourer by

occupation and the allegation against him to have been apprehended from the spot is a mere eyewash and the petitioner, therefore, detained in custody substantially may kindly be released on bail.

4. On the contrary, Mr.R.Tripathy, learned A.S.C. submits that the petitioner was apprehended red-handed from the spot with huge commercial quantity of contraband Ganja which was seized in this case, and thereby, the petitioner cannot be released on bail unless the mandatory provision of Section 37 of N.D.P.S. Act is fulfilled by him. It is accordingly prayed to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and taking into consideration the mandates of Section 37 of N.D.P.S. Act, especially when the learned counsel for the State has opposed the bail application of the petitioner, this Court on conspectus of materials on record at this stage of the case considers it difficult to record satisfaction 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 and taking into consideration huge quantity of contraband Ganja seized in this case, this Court does not feel it proper to grant bail to 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