

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3898 of 2021

Krishna Kumar

.... ***Petitioner***
Mr.S.Harichandan, Advocate

Versus

State of Odisha

.... ***Opp. Party***
Mr.S.S.Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO
ORDER
12.01.2022

Order No.

04. 1. Heard Mr.S.Harichandan, learned counsel for the petitioner and Mr.S.S.Pradhan, learned Addl. Government Advocate through virtual mode..
2. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Krishna Kumar in connection with E.I. & E.B. Unit-1, Cuttack P.R. No.08 of 2021-22 corresponding to 2 (a) C.C. No.25 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Cuttack, registered against the petitioner for commission of offence punishable under Section 20 (b) (ii) (C) of the N.D.P.S. Act.
3. The petitioner had moved an application for bail before the Court of learned Sessions Judge-cum-Special Judge, Cuttack, which was rejected on 22.04.2021.
4. The prosecution allegation in brief are that on 10.4.2021 at about 4.30 a.m., while the S.I. of Excise along with his staff were performing patrolling duty, they detained one white colour "Skoda Laura" car bearing Registration No.OD-96-Q-6564 and found the petitioner inside the car. They also found one white colour jari bag besides him , two numbers of jari bags on the rear seat of the vehicle and three other white colour jari bags containing ganja. On weighing, each bag was found to contain 26 Kgs of ganja, i.e, total of 130 Kgs of ganja. As the petitioner could not produce any authority in support of his possession of said

contraband ganja, he was arrested, the ganja was seized and the petitioner was forwarded to court on 10.4.2021.

5. Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle and it was not within his knowledge that ganja was being carried in his vehicle.

6. Mr. S.S.Pradhan, learned Addl. Government Advocate opposes the prayer for bail stating that 130 Kgs. of ganja which is commercial quantity has been recovered from the concisions possession of the petitioner and Section 37 of the N.D.P.S. Act is a bar for grant of bail for which the prayer for bail should be rejected.

7. Considering the submissions of the counsels , nature of materials against the petitioner, the quantity of ganja seized and the bar contained under Section 37 of the N.D.P.S. Act, I am not inclined to allow the prayer for bail and the BLAPL is accordingly dismissed.

8. It is open to the petitioner to move for bail afresh in case there is undue delay in commencement of trial.

9. In view of the restrictions due to resurgence of COVID-19 situation, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

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(Savitri Ratho)
Judge

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