

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4136 OF 2021

Barsarani Mallik & Anr

***..... Petitioner
Mr. D.J. Sahoo, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. K.K. Gaya, ASC***

CORAM:

JUSTICE V. NARASINGH

ORDER

06.04.2022

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The petitioners are accused in connection with Special (NDPS) Case No. 55 of 2021 corresponding to Bhadrak Rural P.S. Case No. 200 of 2021, pending on the file of the learned Sessions Judge-cum-Special Judge, Bhadrak for the alleged commission of offence under Sections-21(c)/29 of the NDPS Act and the petitioners are in custody since 27.04.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Bhadrak by Order dtd. 19.05.2021 in Spl. (NDPS) Case No. 55 of 2021, the present BLAPL has been filed.
4. Heard learned Senior Counsel for the petitioners and learned Additional Standing Counsel for the State.

5. Learned Counsel for the petitioners on instruction submits that the petitioners have no criminal proclivity and it is stated that since there has been no seizure from the petitioners even accepting the entire prosecution story at their face value, no case under the NDPS Act is made out against the present petitioners as such the bar under Section 37 of the NDPS Act does not come into play.

6. Per contra, the learned counsel for the State referring to the statement of the witnesses submits that after the principal accused-Muna @ Sk. Bablu was taken into custody the house of the petitioners were raided and during such raid incriminating material including calculation of transaction in a diary and empty paper bags to facilitate packing and screen shot of “phonepe” transactions containing photograph of the principal accused came to the fore.

7. Considering the materials on record, this Court is not inclined to enlarge the petitioners on bail at this stage, the same accordingly stands rejected.

8. The accused persons are in custody since 27.04.2021, the learned Court in seisin of the matter may expedite the trial.

9. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasimha)
Judge*