

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1513 of 2022

Ajay @ Ajay Samantaray

....

Petitioner

Mr. Chittaranjan Swain, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.08.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of cognizance under Annexure-2 passed by the learned Sessions Judge-cum-Special Judge, Kandhamal, Phulbani in C.T. Case No. 36 of 2019 in respect of offences punishable under Sections 20(b)(ii)(c)/25/29 of the NDPS Act on the grounds stated therein.
3. Perused the F.I.R.
4. Learned counsel for the petitioner submits that the petitioner is not directly involved in the alleged incident towards the transportation of contraband substance and he happens to be the owner of vehicle in question in which the alleged transportation was carried out and considering the same, the order of cognizance in Annexure-2 is not sustainable in law.

5. Learned counsel for the State submits that after investigation, the charge sheet was filed and thereafter, the learned court below issued a NBW/A against the petitioner and so far as the quantity of contraband substance is concerned, it is commercial and that apart, the petitioner had moved this Court couple of times for bail which was rejected.

6. Having heard the submissions of the learned counsel for the parties and the fact that commercial quantity of contraband ganja is involved and that apart, since there is no legal infirmity shown in the impugned order i.e. Annexure-3, the Court is not inclined to interfere and intervene and accordingly, it is ordered.

7. At this juncture, learned counsel for the petitioner submits that the petitioner should be directed to surrender and move bail before the learned court below for considering his release.

8. The CRLMC stands dismissed. Considering the above submission, the petitioner is directed to surrender before the court of learned Sessions Judge-cum-Special Judge, Kandhamal, Phulbani in connection with C.T. Case No. 36 of 2019 corresponding to Phiringia P.S. Case No. 66 of 2019 on or before 12th September, 2022 and move regular bail which shall be considered on its own merits and in accordance with law keeping in view parity and disposed of on the very same day.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge