

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5777 of 2022

Pradip Pradhan

.... ***Petitioner***
Mr. A. Tripathy, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
30.11.2022

Order No.

- 06.
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 Sheragada P.S. Case No.152 of 2022 corresponding to G.R. Case No.08 of 2022 (N) pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Aska, Ganjam for commission of offences punishable under Sections 20(b)(ii)(C) of N.D.P.S. Act, on the allegation of in conscious possession of 1043Kgs. contraband Ganja.
 3. In the course of hearing of the bail application, Mr. A. Tripathy, learned counsel for the petitioner submits that although the petitioner was found sitting on the verandah of the house of the Mangulu Pradhan in which contraband Ganja was stored, but in fact, he was not in exclusive possession of such house or such contraband

Ganja and the police had conducted raid on the information received that Mangulu Pradhan and Muna Bisoi had stored contraband Ganja and, therefore, the petitioner having no nexus with possession of contraband Ganja stored in the house stood recorded in the name of Biswanath Padhi, may kindly be enlarged on bail.

4. On the contrary, Mr. P.K. Pattnaik, learned Additional Government Advocate for the State submits that the quantity of contraband Ganja seized in this case is more than one tonne and the petitioner was having been found in exclusive possession of the contraband Ganja, Section 37 of N.D.P.S. Act would operate as a Bar for release of the petitioner on bail. It is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions advanced on behalf of the parties and taking into consideration the nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and further the fact that the petitioner was allegedly found on the verandah of the house in which contraband Ganja was allegedly stored and keeping in view the fact that when the learned Additional Government Advocate for the State has opposed the release of the petitioner on bail, this Court considers it difficult to record satisfaction on a conspectus of materials on record that there are reasonable grounds for believing that the accused is not guilty of such offence involving commercial quantity of contraband Ganja and he is unlikely to commit offence while on bail and taking into consideration the other circumstance in entirety, this Court, therefore, does not find any merit in the bail application of 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

Subhasmita

