

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5931 of 2022

Firoz Alam

.... ***Petitioner***
Mr. R.K. Das, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
06.12.2022**

Order No.

- 03.
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 Papadahandi P.S. Case No.88 of 2021 corresponding to T.R. Case No.39 of 2021 (T) pending in the Court of learned District and Sessions Judge-cum-Special Judge, Nabarangpur for commission of offences punishable under Sections 20(b)(ii)(C) of N.D.P.S. Act, on the allegation of transporting commercial quantity of contraband Ganja to the tune of 64Kgs.220grams. in a Bolero vehicle.
 3. In the course of hearing of the bail application, Mr. R.K. Das, learned counsel for the petitioner submits that even if the allegations on record are taken to be true, no offence U/S. 20(b)(ii)(C) of N.D.P.S. Act is attracted against the petitioner since the petitioner

was the occupant of the vehicle, the contraband, if any loaded in the vehicle was without his knowledge. It is further submitted by him that the petitioner having detained in custody since 15.06.2021, but trial is yet to progress and therefore, the petitioner may kindly be enlarged on bail.

4. On the contrary, Mr. S.R. Roul, learned ASC for the State submits that the petitioner and another were found with commercial quantity of contraband Ganja and, thereby, 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 made, the nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and taking into consideration the commercial quantity of contraband Ganja allegedly seized in this case and keeping in view the facts that when the learned A.S.C 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 and he is unlikely to commit offence while on bail, which is mandate of Section 37 of N.D.P.S. Act 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

