

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5941 of 2022

Rabi Kumar & another

.... ***Petitioners***
Mr. A.K.Das, Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE G. SATAPATHY**

ORDER
12.12.2022

Order No.

- 05.
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 petitioners for grant of bail in connection with Kesinga P.S. Case No.216 of 2022 corresponding to C.T. Case No.34 of 2022(NDPS) pending in the Court of learned Special Judge, Kalahandi for commission of offences punishable under Sections 279/337/338 of IPC read with Section 20(b)(ii)(C) of NDPS Act on the allegation of transporting 30 Kgs of contraband Ganja.
 3. Mr.A.K.Das, learned counsel for the petitioners submits that although the petitioners- Rabi Kumar and Rahul Kumar Verma were alleged to have been transporting contraband Ganja in a Maruti Swift car but there is no iota of evidence available against the petitioners to find out such allegations against them and the petitioners having detained in judicial custody since 18.06.2022 may kindly be enlarged on bail.
 4. On the other hand Mr.P.K.Patnaik, learned Addl. Government

Advocate submits that the petitioners having found in possession of commercial quantity of contraband Ganja may not be granted bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioners as also the gravity of offence and taking into consideration the seizure of commercial quantity of contraband Ganja in a Maruti Swift car owned by petitioner-Rahul Kumar Verma and being driven by the petitioner-Rabi Kumar and they having been travelling at the time of occurrence in the said car which met with an accident paving the way for alleged seizure of 30 Kgs. of contraband Ganja and regard being had to the mandate of Section 37 of NDPS Act, this Court does not find any reason to grant bail to the petitioners.

Hence, the bail application of the petitioners stands rejected.

6. Accordingly the BLAPL is disposed of.
7. Issue urgent certified copy of the order as per rules.

(G. Satapathy)
Judge