

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6093 of 2022

Karan Verma

.... ***Petitioner***
Mr. J.Behera, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

**CORAM:
JUSTICE G. SATAPATHY**

Order No.

ORDER
28.11.2022

- 04.
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 Tusura P.S. Case No.69 of 2022 arising out of Special G.R. Case No.38 of 2022 pending in the Court of learned Sessions-Cum-Special Judge, Bolangir for commission of offences punishable under Sections 20(b)(ii)(C) of N.D.P.S. Act, on the allegation of transporting 61Kgs. 200Grams of contraband Ganja in a white colour Car; OD14H-6689 along with co-accused person and they have been apprehended at Dhangara bypass road near Tusura.
 3. In the course of hearing of the bail application, Mr.J.Behera, learned counsel for the petitioner submits that the petitioner is an innocent person and he was not transporting any contraband Ganja in any vehicle, rather he was a passenger of said car and the contraband Ganja, if any, transported in the said car was without his knowledge.

It is further submitted that he is inside jail custody since 25.06.2022 and no criminal antecedent is reported against him and after conclusion of investigation, charge sheet has already been submitted in this case and, therefore, no fruitful purpose would be served in detaining the petitioner in custody any further. On the aforesaid submissions, learned counsel for the petitioner prays to enlarge the petitioner on bail.

4. On the contrary, Mr.S.S.Pradhan, learned counsel for the State submits that the quantity of contraband Ganja seized in this case is coming under commercial quantity and the petitioner having apprehended from the spot, the mandatory provision U/S. 37 of N.D.P.S. Act is squarely attracted against him who has failed to satisfy the twin conditions mentioned in Section 37 of N.D.P.S. Act. It is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the offences alleged and taking into consideration the surrounding circumstance including the alleged seizure of 61Kgs. 200 Grams of contraband Ganja which is coming under commercial quantity and the law laid down by the Apex Court in *Narcotics Control Bureau Vrs. Mohit Agarwal; 2022 SCC Online SC 891* and further taking into consideration the fact that when the learned counsel for the State has opposed the release of the petitioner on bail, this Court considers it difficult on conspectus of materials on record at this stage of the case to record satisfaction 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, this Court,

therefore, does not feel it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected.
7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

kishore

