

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6119 of 2022

Sagar Rout

Petitioner
....
M/s. T.K.Swain Advocate

-versus-

State of Orissa

Opp. Party
....
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

15.11.2022

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 Mobile Unit-II, Cuttack P.R. No. 130 of 2021-22 corresponding to Special Case No. 1 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Athagarh for commission of offence punishable U/Ss. 20(b)(ii)(C) of the N.D.P.S. Act on the allegation of possessing 66Kgs of contraband Ganja in a white colour jerry bag.
 3. In the course of hearing of the bail application, Mr.T.K.Swain, learned counsel for the petitioner submits that the petitioner is inside jail custody since 18.01.2022 but the trial is yet to be concluded, however, the petitioner has been falsely implicated in this case. It is also submitted that the petitioner was never in possession of any contraband Ganja, but the Excise people has falsely shown the petitioner to be in possession of jerry bag containing 66 Kgs. of contraband Ganja and, it is accordingly, prayed to allow the bail application of the petitioner.
 4. On the other hand, learned counsel for the State while

opposing the bail application of the petitioner submits that Section 37 of N.D.P.S. Act would operate as a bar for release of petitioner on bail since the petitioner was found in possession of 66Kgs. of contraband Ganja and he, therefore, prays to reject the bail application of the petitioner.

5. In view of the aforesaid submissions and taking into consideration the allegations on record revealing the petitioner stated to be found in possession of contraband Ganja to the tune of 66Kgs. which is coming under commercial quantity and regard being had to the bar U/S. 37 of the N.D.P.S. Act and taking into consideration that this Court on conspectus materials on record considers it hard to record satisfaction at this stage that the petitioner is not guilty of the offence and he is unlikely to commit similar offence while on bail, this Court does not feel it proper to grant bail to the petitioner. Hence, the bail application of the petitioner stands rejected.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

Kishore

(G. Satapathy)
Judge