

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5283 of 2021

Pramod Meher

....

Petitioner

Mr. Jugala Kishore Panda, Adv.

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

05.01.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Jugala Kishore Panda, learned counsel for the Petitioner and Mr. M.K. Mohanty, learned Additional Standing Counsel for the State.
3. The Petitioner being in custody in Kantamal P.S. Case No.103 of 2020 corresponding to C.T. Case No.479 of 2020, pending in the court of the learned Additional Sessions Judge-cum-Special Judge, Boudh, registered for the alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act, has filed this petition for his release on bail.
4. The allegation of the prosecution is that on 22.07.2020 at about 1.00 P.M., the I.I.C., Kantamal Police Station received

information with regard to transportation of contraband ganja by two persons in a Maruti Suzuki Ecco 5 Star bearing Registration No.OD-27A-4511 from village Balamtunda towards Dapala, he along with his staff rushed to the spot and detained the said vehicle. They found the present petitioner along with another driver namely Gurudev Mallik inside the vehicle. On search of the said vehicle, two jari bags containing 64 Kgs. of ganja each in total 128 Kgs of ganja were found inside the vehicle and thereafter, the contraband articles were seized from the present petitioner along with the co-accused, the driver.

5. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this case and the contraband ganja seized was not recovered from his conscious and exclusive possession. He further submits that the Petitioner is the co-driver of the said vehicle. Moreover, the Petitioner is in custody since 22.07.2020. Hence, he submits that the Petitioner may be enlarged on bail.

6. Learned counsel for the State vehemently opposes the prayer for bail stating that the quantity of ganja seized is clearly above the commercial quantity prescribed under the Act which bars granting of bail. Also, there is nothing on record to suggest that the Petitioner has not committed the alleged offence.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioner, the stringent punishment provided and also the statutory bar to grant bail under Section 37(1) of the NDPS Act in an offence of this nature without recording the satisfaction that there are reasonable grounds for believing that the Petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the Petitioner's prayer for bail is devoid of merit. Hence, his prayer for bail stands rejected.

8. Accordingly, this BLAPL is dismissed.

9. Urgent certified copy of this order be granted on proper application.

(*S.K. Panigrahi*)
Judge

BJ