

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6944 of 2022

Sonu @ Rashmi Ranjan Sahu

Petitioner

Mr. R.K. Sahoo, Advocate

-versus-

State of Orissa

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.130 of 2021, pending in the Court of the Special Judge, Gajapati, Paralakhemundi, arising out of Mohana P.S. Case No.238 of 2021, for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Special Judge, Gajapati, by order dated 13.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 30.06.2022 and since charge-sheet

has already been filed on 29.05.2022, showing him as an absconder, his further continuance in custody is unwarranted.

6. It is submitted that the contraband (Ganja) has not been seized from the conscious exclusive possession of the petitioner, hence the petitioner may be released on bail.

7. Per contra, the learned counsel for the State, on instruction, submits that the vehicle in which the contraband was being carried belongs to the petitioner and it is on record that on seeing the raiding party, the petitioner gave a slip.

8. Considering that the contraband (Ganja) seized is to the tune of 114.700Kgs and as the vehicle belongs to the petitioner, in view of the bar contained under Section 37 of the NDPS Act, this Court is **not inclined** to consider the bail application of the petitioner at this stage.

9. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha