

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7013 of 2022

Chandan Sahoo

....

Petitioner

Mr. L. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with GRPS Case No.0074 of 2022, dated 20.06.2022 corresponding to T.R. Case No.245 of 2022, pending in the Court of learned Sessions Judge, Khurda at Bhubaneswar, for commission of offences under Section 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda, at Bhubaneswar, by order dated 04.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that from the manner of seizure the conscious and exclusive possession cannot be readily attributed to the petitioner.
6. It is further submitted that though individually the quantity of contraband (ganja) seized would be much less than the

commercial quantity but acting in a high handed manner, the authorities have clubbed the seizure so as to attract the Bar under Section-37 of the NDPS Act.

7. Learned counsel for the State on the other hand submits that, there are materials on record to show that the petitioner was individually carrying the contraband (Ganja) as alleged and as such there being no irregularity the procedure adopted the Bar under Section-37 of the NDPS Act is clearly applicable and total quantity of contraband has to be taken into account while considering the bail application of the petitioner.

8. On perusal of the statement of the complainant, who is an GRPF personnel, it is seen that the contraband (Ganja) to the tune of 21 Kg 410gms was seized from the petitioner.

9. Taking note of the statement of the complainant as placed by the learned counsel for the State and keeping in view the age of the petitioner and there being less chance of his absconding since he is a local inhabitant, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter, including the additional stipulation that the petitioner shall appear before the jurisdictional police station once every week till conclusion of the investigation. The first date and time shall be fixed by the learned Court in seisin over the matter.

10. It is needless to state that violation of any conditions relating to appearance shall entail cancellation of bail.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge