

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 7399 of 2022

Samir Khan

....

Petitioner

Mr. Jayadeba Behera, Adv.

-versus-

State of Odisha

....

Opp. Party

Mr. D. Mund, AGA

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
23.09.2022

02. 1.This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner being in custody in connection with Bolangir Sadar P.S. No.30 of 2021 corresponding to Spl. G.R. Case No.10 of 2021 pending on the file of the learned District Judge, Balangir for the alleged commission of offences under Sections 21(c) & 29 of the N.D.P.S. Act has prayed for their release on bail.
4. It is alleged that on 27.1.2021 at 11.30 A.M. while the informant along with staff were conducting patrolling duty near Barapurugia village got information regarding

transportation of huge quantity of contraband Eskuf Cough Syrup in a Chevrolet Enjoy vehicle bearing Regd No. OD-31-0786. The police personnel blocked the road and detained the vehicle. On search, they found 34 numbers of plastic bags containing 5440 numbers of sealed bottles of Eskuf cough syrup of 100 mls capacity each. It was written on the label of the cough syrup that it contains 10 mg. of codeine phosphate IP in each 5 M/s of syrup. So, each bottle contains 200 mg. of codeine phosphate. The total weight of codeine phosphate in all 5440 bottles was 1 Kg. 088 grams which is commercial quantity and barred by Section 37 of the NDPS Act. The accused persons failed to produce invoice, license or authority in support of possessing the bottles.

5. Learned counsel for the petitioner submits that the petitioner is an innocent person and he was engaged to transport the seized articles which were already packaged condition. Therefore, he had no occasion to know the contents thereof which he was being transported.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioner,

the stringent punishment provided and 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 prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL is rejected.

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

SD



(Dr. S.K. Panigrahi)
Judge