

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.6488 of 2020**

***Umeswar Guntha***

....

***Petitioner***

*Mr. Ananta Narayan Pattanaik, Adv.*

-versus-

***State of Odisha***

....

***Opp. Party***

*Mr. M.K. Mohanty, ASC*

**CORAM:**

**MR. JUSTICE S.K. PANIGRAHI**

**ORDER**

**10.01.2022**

**Order No.**

13.

1. This matter is taken up through hybrid mode.

2. Heard Mr. Ananta Narayan Pattanaik, learned counsel for the Petitioner and Mr. M.K. Mohanty, learned Additional Standing Counsel for the State.

3. The Petitioner being in custody in Semiliguda P.S. Case No.55 of 2020 corresponding to T.R. Case No.32 of 2020, pending in the court of the learned Additional Sessions Judge-cum-Special Judge, Koraput, registered for alleged commission of offence under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the N.D.P.S. Act” for brevity, has filed this petition for his release on bail.

4. The allegation of the prosecution, in brief, is that on 24.06.2020, the informant Bhagaban Mishra, S.I. of Police,

Semiluguda Police Station, Demiluguda, district- Koraput and other staff proceeded to Kokriguda Chhak after getting reliable information about transportation of huge quantity of ganja in a golden brown colour Eicher vehicle bearing Registration No.OD-02-BH-0911. At about 10.10 A.M., they detected the Eicher vehicle and detained it. The present petitioner and co-accused Susanta Kumar Sahoo were boarded on the said Eicher vehicle. They recovered 12 numbers of Jari bags containing 354 Kgs. of ganja from the exclusive and conscious possession of the present petitioner and said Susanta Kumar Sahoo. Both the accused persons could not produce lawful authority for such possession and transportation of said ganja. Therefore, police seized the same after observing all formalities of search and seizure as provided in N.D.P.S. Act.

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 driver of the said vehicle and the said co-accused Susanta Kumar Sahoo hired the vehicle from the registered owner of the vehicle, namely, Chandan Kumar Sahoo. As per the direction of the registered owner of the vehicle, the present Petitioner was transporting the goods without having knowledge about the contraband ganja. Moreover, the Petitioner is in custody since 24.06.2020. 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 N.D.P.S. Act which bars granting of bail. Also, there is nothing on record to suggest that the petitioner has not committed the alleged offence.

7. The stereotyped defence has been raised in the present case. Though the right of the victim is important, the societal interest is also equally important to be protected.

8. 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 N.D.P.S. 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.

9. Accordingly, this BLAPL is dismissed.

**( S.K. Panigrahi )**  
**Judge**