

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6972 of 2021

Biranchi Barik

.... ***Petitioner***
M/s.B.K.Sharma, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

30.08.2022

Order No.

- 08.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Badagada P.S. Case No.61 of 2021 corresponding to Special G.R. Case No.8 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Bhanjanagar for commission of offence punishable U/Ss. 20(b)(C) of N.D.P.S. Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is admittedly helper of the vehicle and he was never in conscious possession of the contraband article. He also submits without disputing the recovery of the contraband Ganja from the van that the petitioner was in charge of some food articles loaded in the vehicle, which the owner of vehicle was transporting in the vehicle for business purpose and the petitioner having detained in custody since 9.3.2021 and having no liability for transportation of contraband article may kindly be enlarged on bail.
 4. On contrary, learned counsel for the State while not disputing the status of the petitioner as helper submits that the nature of conscious possession of contraband articles can be ascertained during the trial and at this stage of consideration of bail, it would not be proper to lay conclusively that the petitioner was not in conscious possession of

contraband Ganja and the learned counsel for the State thereby submits to reject the bail application of the petitioner.

5. Considering the nature and gravity of allegations levllled against the petitioner and keeping in mind the quantity of contraband Ganja alleged to have been recovered from the van to the tune of 144 Kgs. and there being specific embargo as provided under section 37 of the N.D.P.S. Act for release of persons accused for offences involving commercial quantity, this Court is not inclined to admit the petitioner to bail.

6. Hence, the bail application of the petitioner stands rejected. At this stage learned counsel for the petitioner submits to grant liberty to the petitioner to renew his prayer for bail after commencement of the trial which is accepted and liberty is granted to the petitioner to renew his prayer for bail after commencement of the trial.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

