

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.7599 of 2021**

***Mantu Digal***

***Petitioner***  
....  
*M/s.P.C.Sejpada, Advocate*

***-versus-***

***State of Orissa***

***Opp. Party***  
....  
*M/s.S.K.Mishra, A.S.C.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**21.09.2022**

**Order No.**

- 24.
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 Phiringia P.S. Case No.70 of 2021 corresponding to C.T. Case No.44 of 2021 pending in the Court of learned Sessions Judge -cum-Special Judge, Phulbani for commission of offence punishable U/Ss. 20(b)(ii)(C) and 25/ 29 of NDPS Act on the allegation of possessing 352 Kg. and 100 grams of contraband Ganja.
  3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is an innocent person and he was never in conscious possession of any contraband article nor has any criminal antecedent against him. Learned counsel for the petitioner further submits that the petitioner is inside the jail custody since 27.06.2021 and he has been falsely implicated in this case. It is also submitted by him that at the time of detection of the case, the persons who were in exclusive possession of contraband Ganja ran away from the spot but the innocent petitioner and another were arrested by the Police for consciously possessing contraband Ganja. Learned counsel for the petitioner under these submissions, prays to enlarge the petitioner on bail.
  4. On contrary, learned counsel for the State however, by referring to Section 37 of the N.D.P.S. Act submits that when the petitioner was

caught red handed in exclusive and conscious possession of contraband Ganja to the tune of 352 Kg. and 100 grams, there is no question of grant bail to the petitioner. It is, accordingly, prayed to reject the bail application of the petitioner.

5. Considering the nature and gravity of offence, especially the nature of allegation raised against the petitioner for being caught in conscious possession of contraband Ganja to the tune of commercial quantity in a public place and the alleged recovery and seizure of contraband Ganja to the tune of 352 Kg. and 100 grams and keeping in view the limitation as provided under Section 37 of the N.D.P.S. Act for release of person accused of offences involving commercial quantity of contraband articles and taking into consideration the observation of the Apex Court in ***State of Kerala Vrs. Rajesh and another; (2020) 78 OCR (SC) 65***, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

6. At this point, learned counsel for the petitioner submits for expeditious disposal of the case. In view of such submission, the learned trial Court is requested to dispose of the case as expeditiously as possible.

7. Accordingly, the BLAPL stands disposed of.

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

*Kishore*

**( G. Satapathy )**  
**Judge**