

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 7661 OF 2020

Gopinath Niriki

..... ***Petitioner***
Mr. B.S.Dasparida, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. D.Mund.AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
30.03.2022

I.A. No. 446 of 2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. Learned counsel for the State on instruction submits that the averments in the I.A. regarding seriousness of the illness of the Petitioner, seeking relief is illusory in view of the instruction and the assertion in Para-6 of I.A. that the Petitioner is the only “competent male member” is also not correct.
4. Taking into account that the petitioner has tried to mislead the Court, this Court is not inclined to consider the I.A. and accordingly the I.A. is rejected.
5. The I.A. thus disposed of.

(V.Narasingh)
Judge

BLAPL No. 7661 of 2020**Order No.**

09.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. Taking into account that the Petitioner is a Driver and the quantity recovered is 934 Kgs of contraband.
4. In view of the bar under Section 37 of the NDPS Act, this Court is not inclined to exercise jurisdiction under Section 439 Cr.P.C.
5. The learned court below may expedite the trial since it is stated that the Petitioner is in custody since 9.08.2020.
6. The BLAPL thus stands disposed of.

(*V.Narasingh*)
Judge

Dhal

