

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9274 of 2022

Danish Ansari

....

Petitioners

Mr. S. Suman, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is an accused in connection with Special G.R. Case No.32/132 of 2022, pending on the file of the learned Sessions Judge-cum-Special Judge, Sundargarh, arising out of Rajgangpur P.S. Case No.90 of 2022 for the alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Sundargarh by order dated 14.09.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 01.03.2022 and as admittedly charge sheet has been filed in the meanwhile, his further

continuance in custody is not warranted. It is submitted that the Petitioner was an occupant of Maruti SX-4 Car bearing registration number MH-04-DJ-6689 from which the contraband to the tune of 60 Kg. 300 Grams was seized. It is stated that there was another vehicle Tata Pickup bearing registration number OD-26-D-1650 from which the contraband to the tune of more than three quintals were seized. It is submitted with vehemence that with ulterior motive both the seizures have been shown as one though the same are independent seizures for which 416.300 grams contraband is stated to be seized from the possession of the Petitioner.

6. It is submitted that the Petitioner is entitled to be released on bail as charge sheet has already been filed, as noted.

7. Learned counsel for the State, on instruction, submits that there are CDRs which link the present Petitioner with the accused, who was driving the Pickup vehicle.

8. Even otherwise also admittedly seizure being more than the commercial quantity from the Maruti Car, the Petitioner is not entitled to be released on bail. He also relies on the bar contained in Section 37 of the N.D.P.S Act.

9. On a conspectus of the materials on record and taking into account that the contraband seized is more than commercial quantity, the role ascribed to the Petitioner and in view of the bar contained in Section 37 of the N.D.P.S Act, this Court is not inclined to entertain the bail application.

10. Accordingly, BLAPL stands rejected.

(V. NARASINGH)
Judge