

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8082 of 2020

Karuna Gamango

....

Petitioner

Mr.R.N. Biswal , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K. Gaya, ASC

**CORAM:
THE JUSTICE S. K. PANIGRAHI**

**Order
No.**

**ORDER
09.02.2022**

- 05.** 1. This matter is taken up by video conferencing mode.
2. Heard, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with R. Udayagiri P.S. Case No.56 of 2020 corresponding to G.R. Case No. 42 of 2020, pending in the court of the learned Special Judge-Cum-Sessions Judge court, Gajapati, Parlakhemundi, registered for the alleged commission of offences under Sections 20(b)(ii)C, 25 and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief facts of the prosecution case is that on 20.08.2020 while the police personnel were performing patrolling duty, they found a high speeding Bolero Pick up Van bearing Regd. No. OD-07E-1108 approaching. The said vehicle was occupied by three people inclusive

of the driver. On suspicion, the police detained the vehicle and recovered 52 numbers of jerry bags weighing about 1215 kg of Ganja which is above commercial quantity.

5. Learned Counsel for the petitioner submits that the prosecution allegations leveled against the present petitioner is false, baseless and concocted. There is no material evincing that the petitioner is connected with the offence as alleged by the prosecution. Furthermore, the petitioner did not hold conscious possession of the contraband article since he was the driver of the vehicle.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner on the grounds that the quantity of the seized brown sugar is above commercial quantity.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and that there are no 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 prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL stands disposed of being dismissed.

9. Issue urgent certified copy as per Rules.

(S. K. Panigrahi)
Judge