

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8123 of 2020

Ashok Ku. Srivastab

....

Petitioner

Mr. S.C. Mohapatra, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

29.03.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.64 of 2020, on the files of learned Special Judge, Koraput-Jeypore, arising out of Jeypore Sadar P.S. Case No.158 of 2020, U/s.20(b)(ii)(c) of N.D.P.S Act and he is in custody since 27.08.2020
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Koraput-Jeypore, Koraput at Jeypore, by order dated 22.10.2020 in the aforementioned case, the present BLAPL has been filed.

5. It is urged with vehemence by Mr. S.C. Mohapatra, learned senior counsel for the petitioner that the petitioner is entitled to bail in spite of bar under Section 37 of the NDPS Act, inter alia on the ground of planting of witnesses and serious irregularities in investigation.

6. It is further stated by the learned counsel for the petitioner that conscious possession of the contraband cannot be attributed to him and in fact he is a victim of the circumstances. Since charge sheet has already been filed, his further continuance in custody is unwarranted and the same will be punitive.

7. Per contra, learned counsel for the State on the basis of recitals in the Case dairy states that there has been no violation of statutory safeguards envisaged in the NDPS Act seeks rejection of the BLAPL.

8. Considering such submission of learned counsel for the parties, taking into account that the quantity of contraband seized is to the tune of 405.650kgs and keeping in view the bar under Section 37 of the NDPS Act, this Court is not inclined to enlarge the petitioner on bail. The same is accordingly rejected at this stage.

9. Accordingly, the BLAPL stands dismissed.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi