

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.8795 OF 2021

Rohit Kumar Gajendra

....

Petitioner

Mr. A.C. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

11.05.2022

Order No.

01. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner who is in custody in connection with Gangapur P.S. Case No.21 of 2019 corresponding to G.R. Case No.01 of 2019(N) on the file of learned Addl. Sessions Judge-cum-Special Judge, Aska running for commission of offence under Section-20(b)(ii)(C) of the NDPS Act, in filing this Application under section 439 of the Cr.P.C. for his release on bail.
3. Learned Counsel for the Petitioner submits that on the allegation that the Petitioner was involved in transportation of 794 Kgs. 135 grams of ganja, he being arrested in the case is in custody since 11.02.2019. He further submits that the driver of the vehicle wherefrom the contraband ganja pockets have been recovered is now on bail. It is further submitted that this Petitioner being an innocent traveller in the said vehicle as so accommodated by other accused persons on the way, has been the victim of the circumstance. It is submitted that this Petitioner is having no such record as to involvement in commission of similar type of offence. According to him, in the facts and circumstances of the case and further in view of the long period of detention of the Petitioner in

custody, the bar contained under section -37 of the NDPS Act does not stand on the way of reconsideration of the prayer for grant of bail to the petitioner. He, therefore, urges for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned Counsel for the State opposes the move. According to him, the Petitioner is facing trial for commission of offence under Section-20(b)(ii)(C) of the NDPS Act on the basis of recovery of quantity of ganja of 794 Kgs. 135 grams kept in 25 pockets. He further submits that the recovery of ganja packets has been made from a specially designed chamber made in the cabin of the truck wherein this Petitioner was sitting. He therefore, submits that in the facts and circumstances of the case, it is not believable for a moment that the Petitioner was having no knowledge about the carriage of ganja in the said cabin of the truck.

5. Considering the submissions made, further keeping in view the quantity of contraband ganja said to have been seized from the vehicle in which the petitioner was travelling as those emanates from the materials on record; as also the surrounding circumstances; I am not inclined to reconsider the prayer for grant of bail to the Petitioner.

6. The BLAPL is accordingly dismissed.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan