

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 8291 of 2020**

***Santosh Gouda***

....

***Petitioner***

Mr. T.P.Mohapatra, Advocate

***-versus-***

***State of Odisha***

....

***Opposite Party***

Mr.M.K.Mohanty, ASC

**CORAM:**

**JUSTICE S. K. PANIGRAHI**

**ORDER**

**11.01.2022**

**Order No.**

**08.**

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 K.Nuagaon P.S. Case No.53 of 2020 corresponding to C.T. Case No.48 of 2020 pending in the court of the Learned Special Judge-cum- Additional District and Sessions Judge, Balliguda, registered for the alleged commission of offence under Sections 20(b)(ii)(C), 25, 27-A and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief fact of the case is that on 27.11.2019, at about 8:00 PM, while the informant and his staff were performing patrolling duty, they found a Bajaj Pulsar Motor cycle escorting a TATA Indica car and an Ashok Leyland Car. On seeing the police personnel two people from the Indica car and one person

from the Leyland van jumped off from their respective vehicles. On searching, a total of 113kg. 540 gm. of contraband 'ganja' was seized from the pick up van, contained in Four plastic bags.

5. Learned counsel for the petitioner submits that the charge-sheet has already been submitted. The petitioner has been languishing in custody since 15.09.2020 without trial being commenced. Further, the petitioner has been falsely implicated in the case. Moreover, there are no criminal antecedents against the petitioner.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner with the submission that the petitioner was the driver of the vehicle besides the presence of a helper. There was no other occupant in the vehicle. So, the loading of contraband articles in the vehicle was presumably done in the knowledge of the driver and hence, his complicity can not be ruled out.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and also the statutory bar to grant bail under section 37(1) of the NDPS Act in an offence of this nature without recording the satisfaction that there are 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 petitioners bail is devoid of merit. Hence their prayer for bail stands rejected.

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

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7<sup>th</sup> January, 2022.

**(S. K. Panigrahi)**  
**Judge**

