

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 8377 OF 2020

Manoj Kumar Tomar & another

..... *Petitioners*
Mr. Rajib Rath, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
04.05.2022

Order No.
07.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with G.R. Case No. 54 of 2020 arising out of Mohana P.S. Case No. 145 of 2020 on the file of learned Special Judge, Gajapati, Paralakhemundi, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned District Sessions Judge-cum-Special Judge, Kandhamal at Phulbani by order dated 15.10.2020, the present BLAPL has been filed
5. Learned counsel for the petitioners seeks to be released on bail on account of infraction of non-submission of Charge Sheet within the statutory period.

6. On a perusal of the recitals in the bail application, it is seen that such contention has not been advanced in the present BLAPL.

7. On the basis of the allegation as contained in the case records, taking into account the quantity of contraband seized (605.480 Kg, Ganja), this Court is not inclined to exercise its discretion under Section 439 Cr.P.C. in view of the bar under Section 37 of the NDPS Act. However, it is needless to state here that it is open to the petitioners to file an appropriate application raising all their grounds which relates to infraction of their right in terms of violation of provisions contained under Sec. 167(2) of the Cr.P.C.

08. Accordingly, the BLAPL stands disposed of.

09. Issue urgent certified copy of this order as per Rules.

(V.Narasingh)
Judge

Dhal