

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9021 of 2021

Basanta Behera

....

Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Das, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

16.02.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in judicial custody in Special (NDPS) Case No.1 of 2019, arising out of Handpa PS Case No. 67 of 2019, of the court of learned Special Judge, Athamallik for the commission of offence under Section 20(b(ii))(C) of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The prosecution case is that in course of patrolling duty, the police saw a truck being followed by a car came from Handapa village side on Handapa-Patrapada road. The police stopped both vehicles. The drivers of both the vehicles fled leaving the vehicles. Police apprehended one person, who was sitting in the back seat of the car. Police further found that two persons were sitting in truck dalla and eight gunny bags with smell of cannabis were kept in the vehicle. So also, two full stuffed sacks containing cannabis were kept in the dicky of the car. It is ascertained that the accused was sitting in the

truck dalla. After observing all formalities, police seized the contraband 'ganja' weighing 379 KG in 10 bags from the offending vehicle.

5. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 17.04. 2019. The petitioner has no knowledge about transportation of contraband ganja and the same has not been seized from his conscious possession. So, the petitioner may be released on bail.

6. Learned counsel for the State vehemently opposes the bail prayer of the petitioner and submits that the quantity of ganja seized i.e. 379 kgs is more than the commercial quantity.

7. Considering the nature and gravity of the offence and the punishment prescribed for the offence alleged, the BLAPL is rejected.

8. However, the trial court is directed to complete the trial within a period of six months hence. In case, the trial is not completed within the aforesaid period, the petitioner is at liberty move afresh for bail.

(S.K. Panigrahi)
Judge

pcd