

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

**BLAPL No. 10385 of 2022**

***Raja Singh***

....

***Petitioner***

Mr. R.K. Pradhan, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**23.11.2022**

**Order No.**

**01.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with Special G.R. Case No.64 of 2022, pending before the learned Sessions Judge-cum-Special Judge, Puri, arising out of Baseli Sahi P.S. Case No.103 of 2022, for alleged commission of offences under Sections 21(C)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Puri, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the petitioner to this Court.

6. It is seen that the contraband (brown sugar) seized is more than the commercial quantity (255gms) and there are materials on record such contraband was seized from the conscious exclusive possession of the petitioner.

7. It is submitted by the learned counsel for the petitioner that there were three accused persons, hence it cannot be said that the present petitioner alone is responsible for the quantity of the contraband seized.

8. Such plea is not available to be taken into account at this stage, Hence, this Court does not consider the same germane.

9. Since the contraband is admittedly beyond the commercial quantity, in view of the bar under Section 37 of the NDPS Act, this Court is **not inclined** to consider the bail application of the petitioner at this stage.

10. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)  
Judge

Ayesha