

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9469 of 2021

Padu Patra

....
Mr.R.K.Pattanaik, Advocate

Petitioner

-Versus-

State of Odisha

Opposite Party
Mr.S.S.Mohapatra, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
12.01.2022

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with T.R. Case No.08 of 2021 arising out of Similiguda P.S. Case No. 14 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput on the grounds stated therein.
2. Perused the F.I.R. as at Annexure-1 and other documents besides the impugned order dated 14.07.2021 i.e. Annexure-2.
3. Gone through the contents of the F.I.R.
4. Learned counsel for the petitioner submits that the present accused was the driver of the alleged vehicle which was found transporting 229 Kgs. of contraband ganja while being intercepted and the same was seized by the local police. It is further submitted that in the meantime, charge sheet has been

filed and the trial is awaited which may be directed to be expedited.

5. Learned counsel for the State submits that the case diary is not available.

6. In fact, commercial quantity of contraband ganja of 229 Kgs. is shown to have been recovered and seized while being transported in a vehicle. It is made to understand that there are seven other accused persons including the petitioner, who was with the vehicle in question. Since huge quantity of contraband ganja has been recovered and seized and it was from a vehicle and the petitioner was found to be its driver and taking into account the fact that Section 37 of the NDPS Act stands a bar, the Court is of the considered view that it is not a fit case directing release of the petitioner and accordingly, it is ordered.

7. In the result, the petition stands rejected. However, considering the limited prayer of the learned counsel for the petitioner, this Court directs the learned trial court to commence and expedite the trial and accomplish it preferably within a period of six months unless there appears any legal impediment.

8. The BLAPL is accordingly dismissed.

9. As the restrictions due to resurgence of COVID-19 situation 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 concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's

Office Order circulated vide Memo Nos. 5143 and 515 dated 7th
January, 2022.

km

(R.K.Pattanaik)
Judge

