

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10520 of 2022

Chandrakanta Taria

....

Petitioner

Mr. S. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in Special Case (NDPS) No.92 of 2019, pending in the file of learned Additional District & sessions Judge-cum-Special Judge, Kantamal, arising out of Kantamal P.S. Case No.132 of 2019, for commission of alleged offences under Sections 20(b)(ii)(C) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kantamal, Dist-Boudh by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 28.08.2022 and as charge sheet has already been filed on 04.11.2022, quantity of contraband (ganja) seized is to the tune of 1 quintal 71 kg.

5. It is submitted by the learned counsel for the petitioner that except the statement of Grama Rakhi - Surekha Rana who is charge sheeted witness No.11, there is no other material to connect the petitioner with the alleged crime.

6. Learned counsel for the State opposes the prayer for bail.

7. This Court perused the statement of said Surekha Rana. His statement prima facie points to the complicity of the petitioner keeping in view the conduct of the petitioner which is prima facie admissible and if believed to be true that can be the basis of conviction.

8. This Court being conscious of the prescription of law as enjoined upon it under Section 37 of the NDPS Act is not persuaded to accept the submission of the learned counsel for the petitioner regarding improbability of the Grama Rakhi recognizing the petitioner. Even otherwise the same has to be gone into at the stage of trial.

9. Learned counsel for the petitioner seeks interim bail and relies on the order passed by co-ordinate Bench of this Court dated 24.09.2022 in BLAPL No.4246 of 2022 wherein taking into account that the petitioner therein has a small child who requires medical treatment, this Court was persuaded to grant him interim bail for a period of four months.

10. There is nothing on record that the petitioner is similarly circumstanced vis-a-vis the factual matrix relating to the said co-accused.

11. Hence, on the conspectus of the materials on record, this Court is **not inclined** to entertain this bail application. The same accordingly stands rejected

12. It shall be open to the petitioner to move the learned Court in seisin after the examination of the Grama Rakhi.

13. Thus, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Santoshi

