

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9719 of 2021

Bidyadhar Sahu

.... ***Petitioner***
Mr. M. Chand, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Karunakar Das, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

16.02.2022

Order No.

02. 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 Phiringia PS Case No. 100 of 2019 corresponding to CT Case No. 60 of 2019 of the court of the learned Special Judge, Phulbani for the commission of offence under Sections 20(b(ii)(C) and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The prosecution case is that while the Police was on patrolling duty, they found one Bolero Pickup van was coming towards them and they stopped the said vehicle. On suspicion, Police team surrounded the said vehicle and found two occupants therein. One of the occupants disclosed his identity as the present petitioner. On search, the police found three jerry bags on the 'dalla' of the said vehicle and seized the contraband 'ganja' weighing 40.200 KG, 40.200 KG and 23.200 KG respectively from three bags.

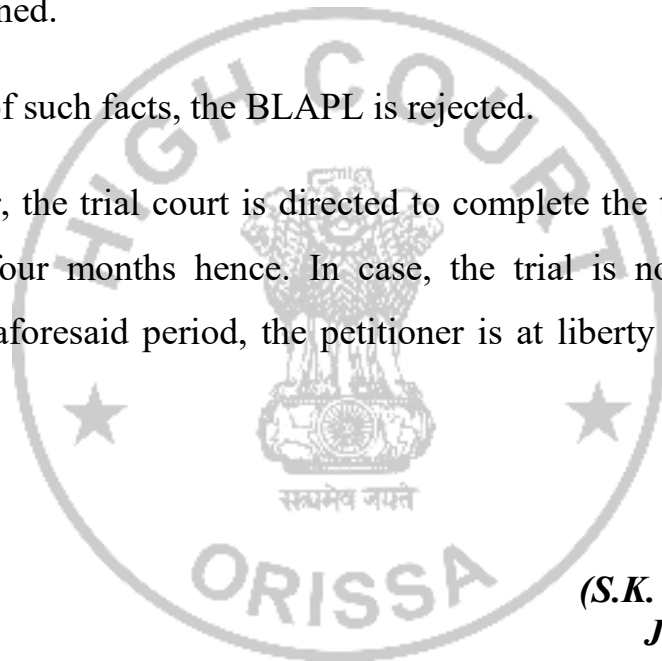
5. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 16.11.2019. The petitioner has no knowledge about transportation of contraband ganja and the same has not been seized from his conscious possession. So, the petitioner may be released on bail.

6. Learned counsel for the State vehemently opposes the bail prayer of the Petitioner.

7. It is submitted that 5 prosecution witnesses, out of 25 have already been examined.

8. In view of such facts, the BLAPL is rejected.

9. However, the trial court is directed to complete the trial within a period of four 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