

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9864 of 2021

Jitendra Pangi

....

Petitioner

Mr. P. K. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.N. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.03.2022

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 is in custody in Boipariguda P.S. Case No.85 of 2020 corresponding to T.R. Case No.28 of 2020 of the court of learned Special Judge, Koraput at Jeypore for the offence under Section 20(b)(ii)C of the NDPS Act. He has filed this petition for bail.
4. The prosecution case in short is that on 24.06.2020 at 3.30 p.m. the petitioner and another were transporting some polythene bags in a bolero vehicle at Batripur Chhak and on detention by Boipariguda Police, a total of 110 kgs. of contraband Ganja contained in four polythene bags were seized from the petitioner and another.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 24.06.2020. The petitioner has no knowledge about the transportation of contraband articles. Charge-sheet has been filed. So, the bail petition may be allowed.

6. Learned counsel for the State vehemently opposes the bail prayer of the petitioner as the quantity of Ganja seized from the accused-petitioner is more than the commercial quantity. This kind of smuggling has been regularly being done hence granting bail to the petitioner shall embolden the spirit of such smugglers.

7. Considering the facts of the case and the punishment prescribed for the offence alleged, the BLAPL is rejected.

8. Learned counsel for the petitioner submits that the petitioner is suffering from neurological disease. The jail authority to take proper medical care and make sincere effort to address the issue.

Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

pcd