

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10044 of 2021

Manaranjan Rout

....

Petitioner

M/s. D. Nayak, Sr. Advocate

-versus-

State of Orissa

....

Opp. Party

M/s. D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Baliguda P.S. Case No. 72 of 2021 corresponding to C.T. Case No. 27 of 2021 pending in the Court of learned Special Judge-cum-ADJ, Baliguda, Kandhamal for commission of offence punishable U/Ss. 20(b)(ii)(C)/25/29 of N.D.P.S. Act.
 3. Mr.D.Nayak, learned Senior counsel appearing for the petitioner submits that it is case U/S. 20(b)(ii)(C)/25/29 of N.D.P.S. Act. and the petitioner is inside custody for more than one year and although the prosecution has projected a case involving commercial quantity of Ganja against the petitioner but no liability can be fastened on the petitioner as the petitioner is merely a driver and was discharging his duty and the petitioner was neither connected with the transportation of contraband Ganja nor was he in conscious possession of the same. It is also submitted that the petitioner who is a local man has no criminal antecedent and the

petitioner having detained in custody since more than a year should be enlarged on bail.

4. On contrary, learned counsel for the State however submits that since the petitioner was transporting contraband Ganja involving commercial quantity, he shall not be released on bail.

5. Considering the nature and gravity of allegations levelled against the petitioner and keeping in view the alleged seizure of contraband Ganja to the tune of 272 Kg 900gm. from two vehicles including the vehicle which was allegedly being driven by the petitioner and regard being had to the specific bar under Section 37 of the N.D.P.S. Act for release of person accused of offence involving commercial quantity of contraband article, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner stands rejected. At this point of time, learned Senior Counsel for the petitioner submits for early disposal of the case and for granting liberty to the petitioner to renew his prayer for bail, if trial is not concluded within a reasonable period.

6. In view of such prayer advanced on behalf of the petitioner, this Court requests the learned trial Court to dispose of the case as expeditiously as possible preferably within a period of six months. If the trial is not concluded within six months, the petitioner is at liberty to renew his prayer for bail as submitted by learned counsel for the petitioner.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge