

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9199 of 2020

SK. Javed

....

Petitioner

Mr. N.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.04.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.59 of 2020, on the files of learned Sessions Judge-cum-Special Judge, Koraput, arising out of Machhakund P.S. Case No.93 of 2020, under Sections 20(b)(ii)(c) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Koraput, by order dated 13.11.2020 in the aforementioned case, the present BLAPL has been filed.
5. Relying on the Hotel Bill and CC T.V. footage of Hotel Suri International at Jagadalpur, Chhatisgarh, as under Annexure-2 series, it is vehemently contended by the learned counsel for the petitioner that at the relevant time the petitioner was not at all present at the spot and he has been falsely implicated in the case.

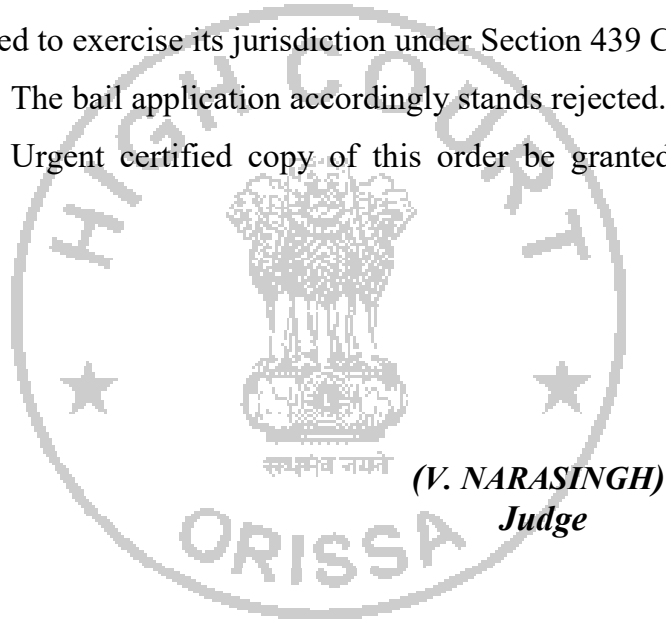
6. On considering the materials on record at this stage, it is not open for the Court to go into such assertion.

7. On perusal of the orders of this Court passed in BLAPL No.613 of 2021, BLAPL No.9130 of 2020, BLAPL No.3267 of 2021, this Court is of the considered opinion that the petitioner is not similarly circumstanced on the ground of parity.

8. Taking into account the quantity of contraband seized being to the tune of 530kg. and taking the note of the submission of the learned counsel for the State that the petitioner has been involved in eleven number of criminal antecedents, this Court is not inclined to exercise its jurisdiction under Section 439 Cr.P.C.

9. The bail application accordingly stands rejected.

10. Urgent certified copy of this order be granted as per rule.



Santoshi