

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10191 OF 2021

Amber Biswakarma & Another ***Petitioners***

Mr. Parikshit Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

20.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioners being in custody in connection with Nabarangpur P.S. Case No.117 of 2021 corresponding to T.R. No. No.16 of 2021 on the file of learned Sessions Judge-cum-Special Judge, Nabarangpur, running for commission of offence under Section-20(b)(ii)(C) and section 29 of the NDPS Act, have filed this application under Section 439 of the Cr.P.C. for their release on bail.
3. Learned counsel for the Petitioners submits that these two Petitioners being outsiders have been falsely implicated in the case and are in custody since 08.03.2021 and the allegation against them is that contraband ganja of 153 kgs have been recovered from the vehicle wherein they were travelling. He further submits that these Petitioners had come to the State as tourists and have been falsely implicated in the case being taken on a fine morning to the police station. He, therefore, urges for grant of bail to these Petitioners as,

according to him, the bar contained under section 37 of the N.D.P.S. Act would not be attracted.

4. Learned counsel for the State opposes the move. According to him, the vehicle which was having no registration number was being driven by the Petitioner No.1 at the relevant point of time when it was intercepted and the Petitioner No.2 was very much sitting in that vehicle. He further submits that on suspicion the vehicle being searched, one quintal fifty three kilograms of contraband ganja has been seized for which these Petitioners instead of providing any explanation rather maintained silence for all the time till they were forwarded to court.

4. Considering the submissions made and on going through the materials on record; further keeping in view other surrounding circumstances as those emanate from the materials on record; I am not inclined to admit the Petitioners to bail.

5. The BLAPL is accordingly dismissed. ★

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(D. Dash)
Judge.