

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11574 of 2022

Srikrushna Jani

.... ***Petitioner***
Mr. S.S. Ray-2, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.R. Roul, A.S.C.

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
19.12.2022**

Order No.

- 01.
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 Itamati P.S. Case No.02 of 2022 corresponding to Spl. G.R. Case No. 01 of 2022 pending in the file of learned Spl. Judge-cum-Sessions Judge, Nayagarh for commission of offences punishable U/Ss. 20(b)(ii)(C) of the N.D.P.S. Act.
 3. In the course of hearing of the bail application, Mr. S.S. Ray-2, learned counsel for the Petitioner submits that co-accused Rajib Jani standing with similar accusation has been granted bail by this Court in BLAPL No. 10404 of 2022 and, he thereby, prays to grant bail to the Petitioner by extending the principle of parity.
 4. Mr. S.R. Roul, learned A.S.C., on the other hand strongly opposes that the bail application of the Petitioner and submits that since the Petitioner was found in conscious possession of commercial quantity of the contraband Ganja, Section 37 of NDPS Act would operate as a Bar for release of the Petitioner on bail, and he accordingly, prays to reject the bail application of the Petitioner.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of offence and regard being had to the seizure of commercial quantity of contraband Ganja and taking into consideration the mandate of Section 37 of NDPS Act and the law laid down in *State of Kerala others Vrs. Rajesh and others*;(2020) 12 SCC 122, this Court does not find any merit in the bail application.

6. Hence, the bail application of the Petitioner stands rejected. The Petitioner may renew his prayer for bail after examination of the witnesses.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(*G. Satapathy*)
Judge

Priyajit

