

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10498 of 2021

Dinabandhu Mallick

.... ***Petitioner***
M/s.M.K.Dash, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

08.09.2022

Order No.

- 09.
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 Balliguda P.S. Case No.127 of 2021 corresponding to C.T. Case No.43 of 2021 pending in the Court of learned Special Judge-cum-ADJ, Balliguda for commission of offence punishable U/Ss. 20(b)(ii)(C) and 29 of NDPS Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that no contraband Ganja has been recovered from the conscious possession of the petitioner and the petitioner being a cow boy was tending cows at nearby place of occurrence but the police has unnecessarily shown him as offender by showing seizure of some contraband Ganja to have been possessed exclusively by him and the petitioner therefore may be admitted to bail. Learned counsel by the aforesaid submissions prays to enlarge the petitioner on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that there is enough materials available on record to show that the petitioner was in conscious possession of contraband Ganja to the tune of 1044kg. and 180 grams. It is, accordingly, prayed by the learned counsel for the State to reject the bail application of the petitioner.

5. Considering the nature and gravity of allegations leveled against the petitioner and keeping in view the alleged apprehension of the petitioner from the spot and the quantity of Ganja recovered and seized in this case to the tune of 1044 Kg and 180 grams, which is coming under commercial quantity and taking into consideration the specific bar under Section 37 of N.D.P.S. Act for release of person accused of offences involving commercial quantity of contraband article, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.
6. Accordingly, the BLAPL stands disposed of.
7. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

