

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11990 of 2022

Sk. Sajat Alli @ Sk. Sajad Ali

.... ***Petitioner***
Mr. G.R. Dhal, Advocate

-versus-

State of Orissa

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

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
20.12.2022**

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 Pipili P.S. Case No.285 of 2022 corresponding to Spl. G.R. No. 84 of 2022 which is now transferred for trial as T.R. Case No. 121 of 2022 pending in the file of learned Additional District and Sessions Judge, Puri for commission of offences punishable U/Ss. 21(c) and 29 of the N.D.P.S. Act, on the allegation of possessing 418 Grams of brown sugar.
 3. In the course of hearing of the bail application, learned counsel for the Petitioner submits that although the Petitioner has been shown to have found in possession of commercial quantity of brown sugar, but nothing was recovered from the exclusive possession of the petitioner and the Petitioner having falsely implicated in this case and detained in custody since 18.06.2022 on false accusations may kindly be released on bail.
 4. On the other hand, Mr. S.R. Roul, learned A.S.C., submits that there is allegation against the petitioner for exclusively possessing

commercial quantity of brown sugar and thereby, section 37 of NDPS Act would operate as a Bar for release of the Petitioner on bail. It is accordingly, prayed by him 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 keeping in view the mandate of Section 37 of NDPS Act and the specific allegation against the Petitioner for recovery of commercial quantity of brown sugar from his possession and the Petitioner having not been able to satisfy the Court about existence of the twin conditions as enumerated in Section 37 of NDPS Act in favour of him, this Court does not find any reason to grant bail to the Petitioner.

6. Hence, the bail application of the Petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

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

(*G. Satapathy*)
Judge