

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10910 of 2021

Abhinash Palai @ Abhinash

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

12.05.2022

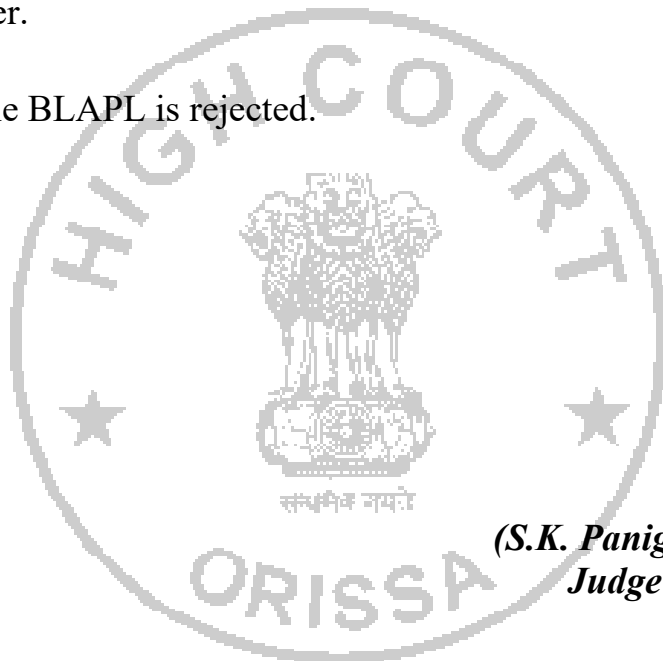
Order No.

03. 1. The matter is taken up through hybrid mode.
2. The petitioner is in custody in Jeypore Sadar P.S. Case No.132 of 2020 corresponding to T.R. Case No.39 of 2020, pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Jeyore, for the commission of offence under Section 20(b)(ii)(C) of the NDPS Act, has filed this application under Section 439 of the Cr.P.C. for his release on bail.
3. The prosecution case, as narrated in the FIR, is that on 19.07.2020, at about 6.30 P.M., on NH 26 near Bana Durga Temple, the accused and his associate were found transporting contraband ganja in a truck. The S.I. of police and his staff of Jeypore Sadar P.S. detained the vehicle and found the present accused and three others as occupants of the said truck. The police recovered 994 kgs of contraband ganja from their possession.
4. Learned counsel for the petitioner submits that the petitioner is in custody 20.07.2020 and he is handicapped having one hand amputated and having 85% disability. There is no direct material against the petitioner.

5. Learned counsel for the State opposes the bail prayer of the petitioner.

6. As per the report of the learned Addl. Sessions Judge, Jeypore dated 05.05.2022, the trial of the case is going on and as many as three witnesses have already been examined, out of 17 charge-sheeted witnesses. Hence, granting bail at this stage would likely to impair the trial procedure. This Court is not inclined to grant bail to the petitioner.

7. Hence, the BLAPL is rejected.



(S.K. Panigrahi)
Judge

pcd