

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO. 9683 OF 2022

Ravindra @ Ravi Sharma

....

Petitioner

Mr.Bijaya Kumar Ragada Adv.

-versus-

State of Odisha

....

Opp.Party

Mr.G.R.Mohapatra,

Addl. Standing Counsel

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

22.12. 2022

02.

1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody in connection with Jeypore Sadar PS Case No.158 of 2020 corresponding to T.R.Case No.64 of 2020 pending before the court of the learned Sessions Judge-cum-Special Judge, Koraput registered for the alleged commission of offences under Sections 20(b)(ii)(c) of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief fact of the case is that as per direction of the OIC, Jeypore Sadar P.S, on the information noted vide G.D. Entry No.12 dated 27.08.2020 regarding transportation of 'ganja' in a

truck bearing Registration No.MP-07HB-2135, the S.I. of police along with his staff while performing blocking duty near F.C.I Godown, Umuri on NH-26 at about 8.00 P.M. they found the said truck was coming from Koraput side. Moreover, one person in a black colour pulsar bike without registration number was escorting the said truck. In spite of their signal to stop, the truck as well as the bike drove ahead with high speed towards Jeypore Town. So they chased the said truck and bike and were able to detain the truck and bike at a little distance and found three occupants in the truck and one in the bike. On verification of the said truck, the S.I. of police found 80 numbers of closed packets covered with brown colour cello tape from which acute smell of 'ganja' was coming out. After following the procedure of search and seizure as per the act, the S.I. of police opened all the said packets and found contraband 'ganja' inside it, the net weight of which comes to 405 Kg 650 gms. Further the accused and the co-accused persons failed to show any license or authority for such illegal possession and transportation of the contraband 'ganja' which involves more than the commercial quantity. So the S.I. of police seized the same including other incriminating materials as per seizure list and arrested all the accused persons.

5. Learned counsel for the petitioner submits that charge-sheet has already been filed. He submits that the petitioner does not have any nexus with the alleged offences. The petitioner does not have any nexus with the alleged offences. The petitioner

has been languishing in custody since 28.08.2020. Hence, the petitioner is entitled to bail.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and that there are reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL stands disposed of being dismissed.

(Dr. S.K. Panigrahi)
Judge