

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12409 of 2022

Tala Singh

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
21.12.2022**

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 T.R. Case No.104 of 2021 arising out of Chandrapur P.S. Case No.50 of 2021 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for commission of offences punishable under Sections 20(b)(ii)(C)/25/29 of IPC, on the allegation of transporting 60Kgs. of contraband Ganja in a white colour Bolero vehicle.
3. In the course of hearing of the bail application, Mr. S.K. Dash, learned counsel for the petitioner submits that all the co-accused standing on similar footing have already been granted bail and the petitioner being falsely implicated in this case is languishing inside jail custody since 15.11.2021 and, the petitioner therefore, may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC while opposing the bail application of the petitioner submits that since commercial quantity of contraband Ganja has been seized, Section 37 of NDPS Act would operate as a Bar for release of the petitioner on bail and, therefore, the petitioner may not be granted bail.

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

6. Hence, the prayer for bail 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

Subhasmita