

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11423 of 2021

Ajaya Mohapatra

..

Petitioner

Mr.S.Baug , Advocate

-versus-

State of Odisha

..

Opposite Party

Mr.K. Gaya, ASC

CORAM:

THE JUSTICE S. K. PANIGRAHI

Order
No.

ORDER
09.02.2022

01. 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 being in custody in connection with STF P.S. Case No.17 of 2020 corresponding to T.R. Case No. 42 of 2020, pending in the court of the learned Second Additional Special, Bhubaneswar registered for the alleged commission of offences under Sections 21(C) and 29 of the NDPS Act, has filed this application under Section 439 of CrPC for his release on bail.
4. The brief facts of the prosecution is that on 01.06.2020 upon receiving credible information pertaining to the delivery of Brown Sugar by the petitioner and the other co-accused, the police personnel detained them and recovered 1.008Kg of Brown Sugar.

5. Learned Counsel for the petitioner submits that the prosecution allegations leveled against the present petitioner is false, baseless and concocted. There is no material evincing that the petitioner is connected with the offence as alleged by the prosecution. Furthermore, the petitioner did not hold conscious possession of the contraband article since the seized contraband was recovered from the dicky of the motorcycle.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner on the grounds that the quantity of seized brown sugar is above commercial quantity

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and that there are no 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.

9. Issue urgent certified copy as per Rules.

(S. K. Panigrahi)
Judge

LB