

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11466 of 2021

Debasish Panda

.... ***Petitioner***
M/s.L.Dash, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s. S.N.Das, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

29.08.2022

Order No.

- 02.
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 2(a) CC Case No.47 of 2021(N) pending in the Court of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur for commission of offence punishable U/Ss. 20(b)(ii)(C) of N.D.P.S. Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner being the employee of the Courier service has no knowledge about the transportation of the Ganja in the sealed packet and even if the allegations levelled against the petitioner are taken to be true, no offence under N.D.P.S. Act can be said to have been made out against the petitioner as the petitioner was not having any knowledge with regard to transportation of Ganja and at best he was discharging his duty to unload the sealed packet for the Courier service from the bus for further dispatch of the parcel to the addressee. On these submissions, learned counsel for the petitioner urged to release the bail on bail.
 4. On contrary, learned counsel for the State while opposing the bail application of the petitioner inter alia submits that the petitioner was consciously possessing and transporting Ganja to the tune of 30 Kgs. in a sealed packet on his shoulder. Learned counsel for the State however

candidly submits that no criminal antecedent has been reported against the petitioner.

5. Considering the nature and gravity of accusations and keeping in mind the personal liberty of the petitioner and his detention in custody since 20.9.2021 and the contraband articles being found in sealed packet in a bus and no criminal antecedent having been reported against the petitioner and taking into consideration the nature, strength and character of the supporting materials collected by the investigating agency and no materials being collected by the investigating agency to the effect that the petitioner would abscond or tamper with the evidence and P.R. having already submitted in this case and regard being had to the status of the petitioner and the quantity of the contraband seized in sealed packet vis-à-vis the rival submissions, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper by it with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge