



Crl.OP.No.23286 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who were arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C) & 29(1) of the NDPS Act in Crime No.3 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found in possession of 22 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that there is a discrepancy in the First Information Report and the Charge Sheet. As per the First Information Report, it is stated that from A1/1st petitioner herein, on search of his shoulder bag, 12 Kgs ganja has been recovered. Whereas in the charge sheet, it is specifically stated that from A2/2nd petitioner herein from his shoulder bag and a black colour travel bag, ganja weighing 10 Kgs & 12 Kgs respectively totally weighing 22 Kgs has been recovered. He would further submit that the said averments are vague and contrary to the First Information Report. Further, there is no specific overt act



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as against the petitioners and that if the contraband are individually taken, it would not amount to commercial quantity. Hence he prays for grant of bail to the petitioners.

4. The respondent filed a detailed counter.

5. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are residents of Odisha and the trial has commenced. Out of 6 witnesses, two witnesses have been examined so far and only 4 witnesses have to be examined and if any outer limit is fixed, the respondent would dispose of the case. He would further submit that the petitioners are residents of Odisha and if bail is granted to them, there is every possibility of their abscondence and derail the progress of the trial. Hence, he vehemently opposed to grant bail to the petitioners.

6. Heard the counsel. Perused the materials the materials available on record. Taking into consideration the quantity of the contraband seized, which is a commercial quantity and that the trial has also commenced, this Court is not inclined to grant bail to the petitioners at this stage.



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7. According, this Criminal Original Petition is dismissed.

However, the learned trial Judge is directed to deliver the judgment within 3 months from today. It is made clear that the observations made above are for deciding the bail application only and it will not have any bearing in the trial.

27.10.2022

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