

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No. 588 OF 2021**

***Bana Naik***

..... ***Petitioner***  
***Mr. Anirudha Das, Adv.***

***-versus-***

***State of Odisha***

..... ***Opposite Party***  
***Mr. S.S.Pradhan, AGA***

**CORAM:**  
**JUSTICE V. NARASINGH**

**ORDER**  
**20.06.2022**

**Order No.**  
**14.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with C.T. Case No.374 of 2020 arising out of Boudh P.S. Case No. 147 of 2020 on the file of learned Sessions Judge-cum-Special Judge, Boudh, registered for the alleged commission of offence under Section 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Boudh by order dated 22.07.2020, the present BLAPL has been filed
5. Learned counsel for the petitioner submits that admittedly the case of the petitioner is that the petitioner along with his father was standing guard to the contraband seized from the verandah and as such it is submitted that conscious exclusive possession cannot be attributed to him.

6. It is further submitted that since 10.06.2020 he is in custody and there is no progress in the trial inasmuch as Charge has also not been framed and accordingly, the petitioner may be released on bail and more so when the co-accused Prasanta Pradhan @ Budhu has been granted bail by this Court in BLAPL No. 1354 of 2022.

7. Per contra, learned counsel for the State submits that it is clear from the report of the R.I. that the house from which the contraband was seized stands in the name of the father of the petitioner and it is submitted that the present petitioner cannot be said to be similarly circumstanced with the co-accused Prasanta Pradhan @ Budhu since there was no recovery from the said Pradhan.

8. During the pendency of this bail application this Court by order dated 11.03.2022 in I.A. No. 199 of 2022 had directed that the petitioner to be released on interim bail and after expiry of the interim bail period, petitioner has surrendered. The Surrender Certificate is at Flag-C.

9. Taking note of the fact that though the petitioner is in custody since 10.06.2020, there is no progress in the trial and the conduct of the petitioner in not flouting the orders of this Court on being released on interim bail, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter so as to ensure the presence of the petitioner in the trial.

10. Accordingly, the BLAPL stands disposed of.

11. Issue urgent certified copy of this order as per Rules.

**( V.Narasimha )**  
**Judge**

*Dhal*